HOUSE RECORD

Second Year of the 156th Session of the General Court

Calendar and Journal of the 2000 Session

Vol. 22 Concord N.H. Thursday, February 17, 2000 No. 18

HOUSE JOURNAL No. 6 (cont.)

Thursday, February 10, 2000

(Rep. John Flanders in the Chair)

Rep. Rollo offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 72, 97, 128, 136, 181, 185, 206, 210, 219, 226, 231, 313, 314, 318, 319, 325, 328, 331, 333, 335, 336, 340 through 342, 344, 348, 350 through 352, 356, 357, 362, 367 through 369, 372, 376, 377, 384, 390, 392, 402, 403, 407, 417, 434, 437, 442 and 449 and Constitutional Amendment Concurrent Resolutions numbered 20 and 23, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS and CACRs

First, second reading and referral

SB 72, exempting certain portions of Seabrook Beach Village District and certain portions of Hampton Beach from certain provisions of the excavating, filling, and construction permit laws. (Resources, Recreation and Development)

SB 97, relative to charitable trusts which are institutional funds. (Commerce)

SB 128, replacing the housing assistance fund trust fund with a homeless prevention fund, and making an appropriation therefor. (Health, Human Services and Elderly Affairs)

SB 136-FN, allowing certain state employees to take paid leave to participate in disaster relief service work. (Executive Departments and Administration)

SB 181-FN, relative to the licensure of geologists. (Executive Departments and Administration)

SB 185, relative to the partition of real or personal property. (Judiciary)

SB 206-FN-A-L, relative to distribution of tobacco settlement funds. (Finance)

SB 210-FN-L, relative to payment by the state for certain court-ordered placements of special education students. (Education)

SB 219-FN-L, establishing a procedure for providing educational improvement assistance to local school districts and making an appropriation therefor. (Education)

SB 226-FN, relative to the real estate practice act and the powers and duties of the real estate commission. (Executive Departments and Administration)

SB 231, relative to termination of water service from a water utility in the town of Pittsfield. (Resources, Recreation and Development)

SB 313, establishing a commission to study the relationship between postsecondary education and recipients of temporary assistance to needy families. (Health, Human Services and Elderly Affairs)

SB 314, establishing a committee to study the feasibility of driver education programs by correspondence schools. (Transportation)

SB 318-FN, relative to proposed joint maintenance agreements. (Education)

SB 319, relative to interstate school districts. (Education)

SB 325, relative to denial, revocation or suspension of a child care provider license, permit or registration for a felony conviction. (Children and Family Law)

SB 328, making corrections to statutory references in certain fish and game laws and adding a rulemaking provision. (Wildlife and Marine Resources)

SB 331, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation. (Resources, Recreation and Development)

SB 333, relative to signs for churches. (Public Works and Highways)

SB 335, allowing physicians to make a report when a person is unfit to drive a motor vehicle. (Judiciary)

SB 336, relative to the issuance of fire permits. (Criminal Justice and Public Safety)

SB 340, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting. (Municipal and County Government)

SB 341, extending the reporting date and changing the name of the committee to study the licensure of radiologic technologists. (Executive Departments and Administration)

SB 342, extending the reporting date of the committee studying the impact of federal welfare reform on the cities and towns of New Hampshire. (Health, Human Services and Elderly Affairs)

SB 344, relative to appointment of housing consumers to housing authority boards. (Municipal and County Government)

SB 348, extending the committee to study the establishment of a permit system for vessels registered in another state temporarily using the waters of New Hampshire. (Transportation)

SB 350, adding business development to the law governing industrial development authorities. (Commerce)

SB 351, making certain changes in the laws relative to fraternal benefit societies and health service corporations. (Commerce)

SB 352, repealing the equipment challenge grant program within the New Hampshire community-technical colleges. (Education)

SB 356, extending the committee to study and identify or establish the duties of the fish and game commission. (Wildlife and Marine Resources)

SB 357, extending the reporting date of the study committee reviewing field activities conducted by the department of health and human services in investigating reports of abuse and neglect. (Children and Family Law)

SB 362, relative to the length of buses and single unit vehicles. (Transportation)

SB 367, establishing a prescription drug access study committee. (Health, Human Services and Elderly Affairs)

SB 368, relative to insurance fraud. (Commerce)

SB 369, establishing a committee to conduct a study on the need for standards to protect health information privacy. (Commerce)

SB 372, relative to certain engineering businesses. (Executive Departments and Administration)

SB 376, relative to the jurisdiction of the public utilities commission to determine consequential damages. (Science, Technology and Energy)

SB 377, relative to peer support programs within the department of health and human services. (Health, Human Services and Elderly Affairs)

SB 384, establishing a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge. (Environment and Agriculture)

SB 390-FN, relative to vested deferred retirement benefits for group II members. (Executive Departments and Administration)

SB 392-FN, relative to the use of nonlapsed funds by the regional community-technical colleges. (Finance)

SB 402-FN, relative to employee reimbursement for work-related expenses. (Labor, Industrial and Rehabilitative Services)

SB 403-FN-A, making an appropriation to the department of agriculture, markets, and food for the inspection of apiaries and honeybee swarms. (Environment and Agriculture)

SB 407, relative to dog licensure. (Environment and Agriculture)

SB 417, allowing a beneficiary of an optional allowance under the New Hampshire retirement system to renounce his or her benefits. (Executive Departments and Administration)

SB 434, exempting soil that is contaminated by lead due to use as a police training shooting range from hazardous waste cleanup fund fees. (Environment and Agriculture)

SB 437, relative to retail selling. (Commerce)

SB 442-FN, establishing an equipment depository and disabled person's employment fund in the department of administrative services. (Labor, Industrial and Rehabilitative Services)

SB 449-FN, clarifying that employees in certain department of health and human services' positions are entitled to certain salaries and raises. (Finance)

CACR 20, relating to the election of governor and senators. Providing that beginning with the 2002 general election, and every 4 years thereafter, the governor and senators shall be elected. (Election Law)

CACR 23, relating to the responsibility and authority of the general court to determine the content, extent, and funding of a public education and the use of moneys received from the enactment of a new personal income tax. Providing that (a) If the general court enacts a new personal income tax, all moneys received from such income tax and all the interest received on such moneys shall, after deducting the necessary costs of administration, be appropriated and used exclusively to fulfill the state's duty to cherish the interest of public schools under article 83 of part second, and no part of such moneys shall be transferred or diverted to any other purpose whatsoever. (b) The general court shall have the authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision; provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed. (Finance)

senate messages

concurrence

HB 251, relative to official ballot procedures.

HB 375, relative to substitutions for disqualified and deceased candidates.

nonconcurrence

HB 113, affirming sovereign immunity as it relates to the Claremont ruling.

HB 311-FN-A, relative to grants made under the New Hampshire incentive program.

HB 360-FN, clarifying that any person convicted of a felony in this state is prohibited from owning or possessing firearms and other dangerous weapons.

HB 470, relative to settlement of personal actions.

referred for interim study

HB 314, relative to the escrowing of certain utility payments.

concurence with amendments

SB 89-L, relative to library trustees.

SB 228, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system.

RECESS

(Rep. Keith Herman in the Chair)

enrolled bill amendment

SB 228-FN, relative to spousal benefits upon the death of certain retired group II members of the New Hampshire retirement system. (Amendment printed SJ 2/17/00)

Adopted.

RECESS

(Speaker Sytek in the Chair)

committee assignments

Rep. Dennis F. Abbot on Finance.

Rep. Mary M. Ouellette, on Election Law; off Environment and Agriculture.

Rep. Steve Vaillancourt on Environment and Agriculture; off Finance.

Rep. Whalley moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 7

Thursday, February 17, 2000

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Guest Chaplain, Reverend Hays M. Junkin, Rector of Saint Andrew's Episcopal Church in Hopkinton.

Almighty God, Ruler of all the peoples of the earth: Forgive, we beseech Thee, our shortcomings as a nation; purify our hearts to see and love truth; give wisdom to our counselors and steadfastness to our people; and bring us at last to that fair city of peace whose foundations are mercy, justice and good-will, and whose Builder and Maker Thou art. Amen.

Reps. Kobel and Spear led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Patricia Cote, Curran, Franks, Holley, LaMott, McColgan, McRae, Moriarty, Irene Pratt and Searles, the day, illness.

Reps. Brothers, Crosby, Densmore, Fraser, Ham, Harmon, Richard Herman, Hoadley, MacNeil, McKinley, Perkins, Priestley, Rice, Rodd, Rosen, Marjorie Smith, Torr, Tsiros, Weber, Withee and Young, the day, important business.

Rep. Beaulieu, the day, death in the family.

Reps. Asplund, Dawe, Flora and Mirski, the day, illness in the family.

INTRODUCTION OF GUESTS

Ann Friend, guest of Rep. Shultis. Linda and Julie McNamara, guests of Rep. Reeves. Lynda Horsley, fiance of Rep Hunt. Michael, Libby and Iva deMartelly guests of Rep. Lynott. Officers of the New Hampshire Association of Counties, guests of the House. Visitors from Severodvinsk, Russia, guests of the Portsmouth delegation.

special guests

The Timberlane Regional High School Football Team, guests of the House.

senate messages

nonconcurs with amendment

requests committee of conference

SB 186-FN, relative to additional cost of living adjustments and increased minimum allowances for certain retired group II members, and relative to requiring spousal acknowledgement of a member's election of an optional retirement allowance.

The President appointed Sens. John King, Frederick King and Wheeler.

Rep. Mercer moved that the House Accede.

Adopted.

The Speaker appointed Reps. Dyer, Mercer, Holbrook and Lynch.

requests concurrence with amendments

HB 228, clarifying permissible political expenditures. (Amendment printed SJ 2/10/00)

Rep. Arndt moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Clegg, Horton, Letourneau and Clemons.

HB 640-FN, relative to grievance procedures of managed care organizations. (Amendment printed SJ 2/10/00)

Rep. Hunt moved that the House concur and spoke in favor.

Adopted.

remarks

Rep. Burling moved that the remarks made by Rep. Hunt and Speaker Sytek be printed in the Journal.

Adopted.

Rep. Hunt: With great pleasure I ask you to concur with this amendment. House Bill 640 has a title that is rather simple but the bill has great consequences. This is HMO reform like no other that has been passed in any state. For the first time, the medical director of an HMO has the same accountability as your practicing physician. I hope you will support the recommendation to concur. I would also point out that there are some other amendments in this bill but the vast majority of the work on this bill was done on House Bill 637 which is now sitting on the table. The work on this bill was done by the House, even though we are concurring with a Senate amendment. I am proud to say the work on this bill was done by the Commerce Committee and I would like to recognize some of the people who worked on this bill: my esteemed Democratic leader, Martha Fuller Clark, Kathleen Taylor, Keith Herman and Sheila Francoeur. We had many, many sessions on this bill and I am very proud of the work that the House has done and I hope you will concur.

Speaker Sytek: I would like to ask the members of the Commerce Committee to please stand and be recognized for your hard work. The House may remember that this is the bill that was a tie vote and the Chair cast a vote in favor of it. After that, I asked the Chairman to work on this bill so that we could get a more broad agreement. They had 22 meetings and hammered-out a compromise that enjoyed an unanimous vote of the committee. Their compromise was adopted as the Senate amendment. The work was done in the House as was noted earlier. Every one of you should be proud of the members of your Commerce Committee and proud that today we passed an HMO accountability bill as a result of people working together toward a common goal. If we do nothing else this session we can go back to our constituents and demonstrate that when we agree on a common goal we can get results. Today is a proud day for the New Hampshire House and especially for the Commerce Committee of both parties who worked to do this.. Congratulations.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Chandler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 1456, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment, removed by Rep. Jacobson.

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss, removed by Rep. Sullivan.

HB 1487-FN-L, reducing the interest rate on delinquent property tax payments and subsequent tax payments, removed by Rep. Vaillancourt.

HB 1433, relative to notice to abutters by the department of transportation of proposed construction projects, removed by Rep. Alger.

HB 1103, relative to the number of motor vehicle dealer plates, removed by Rep. Robertson.

HB 1230, abolishing the requirement that purchasers of new motor vehicles must surrender the certificate of origin to the department of motor vehicles, removed by Rep. Marple.

HB 1266-FN, relative to classification of and standards for custom vehicles manufactured during or after 1949, and establishing special plates for such vehicles, removed by Rep. Francis Davis.

Consent Calendar adopted.

HB 1217, establishing a committee to study marriage preparation. INEXPEDIENT TO LEGISLATE

Rep. Barbara H. Richardson for Children and Family Law: The committee believes this is an important bill. However, a study committee was believed to be extremely difficult during this year. The committee hopes the prime sponsor of this bill will form an ad hoc committee to consider this subject and propose a bill for next session. Vote 11-1.

HB 1542-FN-L, establishing a parents bill of rights. INEXPEDIENT TO LEGISLATE

Rep. Laura C. Pantelakos for Children and Family Law: A part of the language in this bill is currently state law. The committee felt that the remainder deserves attention and intends to address the issue when studying HB 1533, the Child Protection Act. Vote 14-0.

HB 1134, establishing a committee to study mental health care treatment under managed care plans. OUGHT TO PASS

Rep. Martha Fuller Clark for Commerce: The committee heard overwhelming testimony as to the need for studying the many aspects of mental health which are defined in this bill. In particular, the New Hampshire Department of Insurance representative testified that they continue to receive an inordinate number of complaints concerning both access and coverage for mental health. Mental health benefits have been cut back severely at the same time that one in five patients is being diagnosed with mental health problems. Nearly everyone who testified agreed that New Hampshire's parity law is not working. Confidentiality is also an issue for mental health patients. The committee voted unanimously in favor of establishing a mental health study committee as requested in this bill. Vote 12-0.

HB 1318, requiring a waiting period before the retail price of home heating or motor vehicle fuel is increased in certain circumstances. OUGHT TO PASS WITH AMENDMENT

Rep. Linda L. Garrish for Commerce: The committee heard compelling and disturbing testimony regarding this winter's dramatic increase in fuel prices. This bill as amended creates a study committee on the issue of fuel supply and demand within the New England region, and its impact on consumer prices. Further, this study committee will look at possible recommendations for providing better price protection for consumers in New Hampshire. Vote 12-0.

Amendment (3348h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the instability of prices for kerosene, gasoline, diesel fuel, and home heating fuel due to changes in supply and demand within the New England region, and make recommendations toward providing better price protection for consumers.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2000.

6 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill establishes a committee to study the instability of prices for kerosene, gasoline, diesel fuel, and home heating fuel due to changes in supply and demand within the New England region, and make recommendations toward providing better price protection for consumers.

HB 1359, limiting fees charged for use of electronic customer service terminals. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would have limited the total charge for an ATM transaction to $1.00. The bill would only apply to state-chartered banks and not federally or nationally-chartered institutions. The bill would also not apply to owners of cash dispensing machines which usually charge more than $1.00 per transaction. The committee felt that limiting fees on ATM machines would limit or reduce the number of machines currently located in more rural areas, and felt that most consumers are willing to pay for the convenience of easily accessing their money 24 hours a day. Vote 15-0.

HB 1364, establishing a study committee on student credit card debt and regulation of credit card solicitation on college campuses. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill was to establish a study committee on student credit card debt and to regulate commercial solicitation on college campuses. The committee feels young adult credit card debt is a growing concern in the State of New Hampshire and around the nation. A major coalition of the New Hampshire banking industry, education and public officials will be meeting on March 14, 2000 at New Hampshire College in Manchester to address money management and personal financial literacy concerns around young adults. The National Jump-Start Coalition, a national non-profit group who addresses personal finance issues, will be spearheading this effort in March. It is the committee's belief that the New Hampshire Jump-Start Coalition would be an ideal place to study student credit card debt first, and later future recommendations could be brought back to the legislature. Vote 12-0.

HB 1384, relative to consumer liability for charges made with a stolen credit or debit card. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill would have removed consumer liability by a creditor or debit card issuer for more than $50.00 when such a consumer's credit or debit card or the number of such card is stolen and used to make charges unauthorized by the consumer. Presently, most credit card companies will hold individual card owners responsible up to $50.00 if the credit card is stolen but not if the pin number of such cards is compromised. Upon knowing the latter, the prime sponsor withdrew his bill and support. Vote 12-0.

HB 1396, relative to interest rates on credit cards. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would have placed a maximum rate of interest on credit cards to 6 percentage points above the prime interest rate. The bill would only affect one financial institution in the state and would thus have no effect on the majority of all credit cards owned by NH customers. Vote 15-0.

HB 1466, relative to disclosure by banks, trust companies, guaranty savings banks, mutual savings banks, savings and loan associations, building and loan association, and cooperative banks under the supervision of the bank commissioner, of consumer rights and remedies. INEXPEDIENT TO LEGISLATE

Rep. Tim S. McGough for Commerce: This bill would require state-chartered banks to disclose account and loan information to their customers on an annual basis. The committee agreed that between state banking laws and federal banking laws and regulations, banks are already required to provide consumers with the disclosure information included in HB 1466. The committee felt that the bill would be a duplication of effort and a significant compliance expense that would affect state-chartered banks only. Vote 15-0.

HB 1474-FN, establishing a "no sales solicitation calls" list. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill requires the secretary of state to compile and maintain a list of persons who do not wish to receive telephone sales solicitation calls. The bill prohibits any commercial telephone sellers from calling any person whose name appears on the list. The committee felt the Federal Trade Commission is currently doing a comprehensive study on this issue, and we should wait until the results came back to the states. This bill as written would require a $32,800 expenditure in the first year. The committee felt there are enough educational tools such as the customer safety and protection tips in our phone books to help handle unwarranted calls. Vote 14-0.

HB 1137, relative to bingo and lucky 7 volunteers. INEXPEDIENT TO LEGISLATE

Rep. Frank M. Schanda for Criminal Justice and Public Safety: HB 1137 can be interpreted to mean volunteers or professional workers will be able to operate or work bingo games. The committee was concerned with the undefined generic use of the words "persons" and "or otherwise", which can be interpreted a number of different ways. This new language is contradictory to RSA 287-E: 7, I(a) and could only add confusion to the enforcement of these laws. The current statutes are written to allow charitable organizations to operate bingo games as a fundraiser and to assure maximum proceeds to the charity at a minimum expense. Vote 11-1.

HB 1257-FN, prohibiting the sale of urine for drug testing purposes. INEXPEDIENT TO LEGISLATE

Rep. Beth Rodd for Criminal Justice and Public Safety: This bill seeks to make the sale of altered urine products for the purpose of fraud a criminal act. The bill directs criminal penalties at suppliers of the product, many of whom are out of state, rather than the fraudulent users of the products. Monitoring of fraudulent use and tracking down interstate suppliers for enforcement purposes would be an onerous task. Pursuing legal action against providers would often extend beyond the geographic and legal jurisdiction of this state. Other details of the bill raised concerns about privacy and constitutional issues. Vote 12-0.

HB 1374, extending the reporting date for the sex offender issues study committee. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety: As the sex offender study committee established by the legislature last year was only able to hold six meetings, the committee unanimously agreed to extend its life for another year. As attendance at those meetings was mainly by the appointed house members, it was determined that by adding three more house members, participation would likely increase. At the same time, this might also increase more diverse viewpoints and constructive suggestions. Vote 13-0.

Amendment (3340h)

Amend the bill by inserting after section 1 with the following and renumbering the original section 2 to read as 3:

2 Membership. Amend 1999, 89:2, I(a) to read as follows:

(a) [~~Four~~] ***Seven*** members of the house of representatives, one of whom shall be from the criminal justice and public safety committee and one of whom shall be from the judiciary committee, appointed by the speaker of the house.

HB 1407, establishing a committee to study the development of standards of conduct governing the reporting of cases of domestic violence by individuals in certain occupations and professions. INEXPEDIENT TO LEGISLATE

Rep. Robert M. Fesh for Criminal Justice and Public Safety: The sponsor agrees that his concerns are already covered and standards are currently in place. He agrees to inexpedient to legislate. Vote 13-0.

HB 1497-FN-L, granting female prisoners in-state access to the same type of rehabilitation programs available to male prisoners. INEXPEDIENT TO LEGISLATE

Rep. Maxwell D. Sargent for Criminal Justice and Public Safety: The committee was told that all programs available to males and available to females with the exception of the sex offenders program. For that, the female has to go to a Massachusetts's facility. There are presently only two or three females requiring this treatment. The sex offender program at the Concord men's prison has only 4 staff members and over 100 men on the waiting list. Women's treatment programs are very new with about 4 treatment programs in the country. The committee felt that it was more feasible to continue to send the very few eligible women to the state of the art program in Massachusetts instead of trying to find funding to develop a special program here. Vote 13-0.

HB 1530, relative to the reporting requirement for criminal offenders. INEXPEDIENT TO LEGISLATE

Rep. James M. Johnson for Criminal Justice and Public Safety: The committee finds that expungement has the same meaning as the word annulment. Annulment of a violent criminal offence, (i.e. felonious sexual assault) is forbidden under provisions of RSA 651:5, XIII (c). Vote 12-1.

HB 1556-FN-A, establishing a tax on the retail sale of fireworks and making appropriations to the division of fire standards and training. REFER FOR INTERIM STUDY

Rep. Everett A. Weare for Criminal Justice and Public Safety: This bill attempts to provide a method of funding for satellite training, fire fighters certification, and purchasing of training aids by taxing the sale of fireworks. There was some objection to using fireworks as a method of funding fire training. There is a scheduled meeting with the fire service planned in June 2000, where the method of funding can be discussed and a viable and agreeable method of funding can be finalized if necessary. Vote 12-1.

HB 1283, establishing a commission on the education of the deaf in New Hampshire. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: The committee agrees that there is a need to study issues related to the education of the deaf in New Hampshire. The amendment adds "hard of hearing" where "deaf" is mentioned and it also adds "or its successor" following "ASSETS", which is an organization which has a contract with the Department of Education. Vote 15-0.

Amendment (3337h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission on the education of the deaf and hard of hearing in New Hampshire.

Amend the bill by replacing section 1 with the following:

1 Commission Established on the Education of Deaf and Hard of Hearing Persons in New Hampshire. There is hereby established a commission on the education of deaf and hard of hearing persons in New Hampshire. The commission shall, in addition to performing the duties set forth in RSA 200-C:19, have the following duties which shall include, but are not limited to:

I. The study of certification procedures for teachers of the deaf and hard of hearing in New Hampshire.

II. The study of certification standards and procedures for educational interpreters.

III. A review of the current status of support services for the deaf and hard of hearing in New Hampshire.

IV. Determination of the feasibility of establishing regional centers and schools for the deaf and hard of hearing.

V. An assessment of pre-service training issues as related to the curriculum of college and university level students training to become professionals in various support service fields for the deaf and hard of hearing.

VI. A review of instructional practices used to educate deaf and hard of hearing citizens in other states.

VII. The study of any other issue relevant to the education of the deaf and hard of hearing deemed necessary by the commission.

VIII. The review, and revision as deemed necessary, of the program for the deaf and hard of hearing pursuant to RSA 200-C:18 through RSA 200-C:20-a.

Amend paragraph III as inserted by section 2 of the bill by replacing it with the following:

III. The commission shall solicit input and assistance from a representative of ASSETS, or its successor, who, in consultation with the university system of New Hampshire and the New Hampshire Colleges and University Council, shall provide advice on relevant matters as deemed necessary by the commission. The commission may solicit advice and input from any individual it deems appropriate in furtherance of the duties and objectives enumerated in this act.

AMENDED ANALYSIS

This bill establishes a commission on the education of the deaf and hard of hearing in New Hampshire to study issues related to the current status of education and support services for the deaf and hard of hearing in the state. The bill also establishes a sunset date of November 1, 2002 for the commission.

HB 1362-L, relative to the reconsideration of cost apportionment within a cooperative school district. OUGHT TO PASS WITH AMENDMENT

Rep. Susan B. Durham for Education: This bill is a technical change to clarify the law governing co-op schools. The amendment changes the sections for co-ops formed before 1963 and afterward, to make clear that reconsideration of cost apportionments can be done "anytime", five years after the last change. Vote 16-0.

Amendment (3346h)

Amend the bill by replacing all after the enacting clause with the following:

1 Cooperative School Districts; Five-Year Period Reconsideration Amended. RSA 195:8 is repealed and reenacted to read as follows:

195:8 Reconsideration Procedure. If a cooperative school district was organized prior to July 1, 1963, the basis for the apportionment of all such costs may be subject to review, pursuant to an article for that purpose duly inserted in the warrant for a district meeting to be held at any time after the expiration of the 5-year period measured from the date of the first annual meeting. If the apportionment formula for a cooperative school district has been duly changed, the basis for the apportionment of all such costs may be subject to review, pursuant to an article for that purpose duly inserted in the warrant for a district meeting to be held at any time after the expiration of the 5-year period measured from the date of the meeting at which the last change was made to the cost apportionment formula. In either case, the cooperative school district may then by majority vote elect to apportion all such costs by the adoption of one of the formulas set forth in RSA 195:7, I(a), (b), or (c). Such apportionment may be reviewed in the same manner at any time in order to permit the enlargement of the territory of a school district or an increase in the number of grades for which the district shall be responsible.

2 Cooperative School Districts; Procedure for Formation; Process for Reconsideration Amended. Amend RSA 195:18, III(i) to read as follows:

(i) The method by which the articles of agreement may be amended with the approval of the board; except that no amendment may permit secession of territory [~~and~~]**.** The provisions adopted under either subparagraph (e) or (g) above may [~~not be amended prior to the expiration of 5 years from the date of the first annual meeting of the cooperative school district, or thereafter, within 5 years following the adoption of any amendment to such provisions respectively; but~~] ***be subject to review pursuant to an article for that purpose duly inserted in the warrant for a district meeting which may be held at any time after the expiration of the 5-year period measured from the date of the first annual meeting. If the apportionment formula for a cooperative school district has been duly changed, the basis for the apportionment of all such costs may be subject to review pursuant to an article for that purpose duly inserted in the warrant for a district meeting which may be held at any time after the expiration of the 5-year period measured from the date of the meeting at which the last change was made to the cost apportionment. However,*** such provisions may be amended at any time in order to permit the enlargement of a cooperative school district or an increase in the number of grades for which the cooperative school district shall be responsible.

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that the cost apportionment formula within a cooperative school district may be subject to review at any time after the expiration of the 5-year period measured from the date of the first annual meeting. Subsequently, if the cost apportionment formula is duly changed, the basis for such apportionment may be reviewed at any time after the expiration of the 5-year period measured from the date of the meeting at which the last change to the formula was made.

HB 1114-FN, relative to creditable service in the retirement system for teachers in a job-sharing position. OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Murphy for Executive Departments and Administration: This bill will continue the present practice of how teachers serving in a job share position earn their creditable service in the retirement system. The amendment defines the credit they will receive for the medical subtrust subsidy. Vote 15-0.

Amendment (3406h)

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Teachers Creditable Service; Job Sharing; Payment of Medical Benefits. Amend RSA 100-A:53-a by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding the provision of RSA 100-A:4, III-b, for the purpose of calculating creditable service for eligibility for medical benefits payment under paragraph I, each full year of job-sharing service of a teacher in a job-sharing position shall be calculated at ½ of one year of such service credit.

3 Effective Date. This act shall take effect July 1, 2000 at 12:02 a.m.

AMENDED ANALYSIS

This bill continues the current practice for determining creditable service of teachers in a job-sharing position, for teachers in service after July 1, 1995. The bill negates a prospective amendment to the provision. The bill also limits creditable service in the calculation of service for medical benefits payment eligibility for job-sharing teachers.

HB 1367-FN, establishing a program of acting service awards to state employees who temporarily perform the duties of a higher level agency position. INEXPEDIENT TO LEGISLATE

Rep. Michael O'Neil for Executive Departments and Administration: The committee felt that the current policies within the division of personnel provide the departments with the flexibility needed to address the issue of compensation. The committee was also concerned about the complexity of administering these policies and indeterminable increase in state expenditures in FY 2000 and each year thereafter. Vote 14-2.

HB 1509-FN-L, repealing RSA 541-A and creating a study committee to review rules which must be codified as a result. INEXPEDIENT TO LEGISLATE

Rep. Alida I. Millham for Executive Departments and Administration: This bill repeals RSA 541-A relative to administrative rulemaking. It also establishes a committee to review the thousands of rules now in effect to determine which of these would need to be codified. It would take several years to accomplish this. After careful review, the committee agreed that this approach was impracticable. Vote 15-0.

HB 1561-FN, relative to benefits payable upon a group II retirement system member's death after retirement. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: This bill increases the lump sum death benefit of $3600 to $10,000 for certain retirees. It is not possible to estimate the total cost of this bill to the New Hampshire Retirement System. This total cost when considered in conjunction with other unknown costs of retirement bills is a major problem to this committee. Vote 15-0.

HB 1583, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics. OUGHT TO PASS WITH AMENDMENT

Rep. Nancy C. Stickney for Executive Departments and Administration: This bill as amended makes clearer the time period that estheticians and manicurists must be trained to be eligible for licensure. The original bill removed "ethical" as a criterion for professional standards. The amendment reinstates the obvious requirement for ethical behavior similar to almost every licensure statute in New Hampshire. Vote 15-0.

Amendment (3365h)

Amend RSA 313-A:8, II(a) as inserted by section 1 of the bill by replacing it with the following:

(a) A high school education or its equivalent; and

Amend RSA 313-A:8, VI as inserted by section 1 of the bill by replacing it with the following:

VI. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards;

HB 1591-FN, establishing a defined contribution retirement option in the New Hampshire retirement system. REFER FOR INTERIM STUDY

Rep. Ray F. Langer for Executive Departments and Administration: This bill provides a defined contribution plan to every member of the retirement system, if desired. Though the bill has merit, the concept is very challenging and the committee wants to study this bill to better understand all the ramifications. Vote 16-0.

HB 1592, relative to the display of the United States flag. OUGHT TO PASS WITH AMENDMENT

Rep. Howard C. Dickinson for Executive Departments and Administration: HB 1592, as amended, insures that the United States flag displayed in state facilities is in accordance with federal law and military tradition. Vote 14-0.

Amendment (3389h)

Amend RSA 3-E:1 as inserted by section 1 of the bill by replacing it with the following:

3-E:1 United States Flag; Display. The flag of the United States of America shall be displayed in state facilities in accordance with federal law. United States flags used by the military for military purposes shall be exempt from the provisions of this chapter.

AMENDED ANALYSIS

This bill provides that the display of the United States flag in state facilities shall conform to federal law.

HB 1302, establishing a committee to study issues of senior outreach programs. INEXPEDIENT TO LEGISLATE

Rep. Robert F. Chabot for Health, Human Services and Elderly Affairs: While the concept of reaching out to the elderly is admirable, the committee realizes that the needs expressed are already being addressed by the Department of Health and Human Services with the new "Focal Points"

program which has been in development for over a year. It is expected that this "Focal Points" program will be up and running by September 2000. A major component of that program is to assist with senior outreach programs. Vote 17-0.

HB 1585, relative to staffing ratios in long term care facilities in the state. INEXPEDIENT TO LEGISLATE

Rep. Marion L. Copenhaver for Health, Human Services and Elderly Affairs: The issue of staffing long-term care facilities is one that concerns us all. As most nursing homes have Medicaid patients, and therefore, have to comply with federal guidelines vis-a-vis staffing, the committee felt that it was not timely to impose more regulation on an already stressed industry. That is not to say that there isn't a problem, but the committee did not want to set up yet another study committee when legislation can be introduced in the next session if necessary. Vote 17-0.

HB 1110, establishing a committee to study landlord-tenant issues. OUGHT TO PASS WITH AMENDMENT

Rep. Loren J. Jean for Judiciary: The original bill requested a study which was far too broad for the committee to find favor with. Landlord-tenant law is expensive and complex. The committee did find favor however with limiting the study to the termination process of a landlord-tenant relationship. Vote 13-3.

Amendment (3342h)

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study laws governing eviction or ejection of tenants of residential dwelling units. The following issues are not within the scope of the committee's duties:

(a) Tort liability of persons engaged in a landlord-tenant relationship.

(b) All aspects of rental or lease of non-residential, commercial, or industrial properties.

(c) The issues pertaining to the initiation or commencement of a tenancy or lease.

(d) Hotels, motels, lodges, inns, bed & breakfasts.

(e) Camps, campgrounds, and recreational parks and campgrounds.

II. The committee shall specifically study the termination process of a landlord-tenant relationship in a residential context, regardless of whether the tenancy involves a permanent structure or a manufactured housing unit.

HB 1168, establishing a committee to study the merits of limiting the use of social security numbers as identifiers. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary: The committee believes that with a recent opinion against the state of South Carolina by the U. S. Supreme Court, there is great validity in proceeding with a study of limiting the use of social security numbers. There was no opposition at the hearing. This bill only authorizes a study. Vote 12-1.

Amendment (3306h)

Amend subparagraphs I(a) and (b) of section 2 of the bill by replacing them with the following:

(a) Five members of the house of representatives, one of whom shall be a member of the commerce committee, and 4 of whom shall be members of the house judiciary committee, appointed by the speaker of the house.

(b) Four members of the senate, one of whom shall be a member of the banks committee, and 3 of whom shall be members of the senate judiciary committee, appointed by the president of the senate.

HB 1267-FN, requiring courts to use the English language on all forms and in all correspondence. INEXPEDIENT TO LEGISLATE

Rep. Bette R. Lasky for Judiciary: This bill would require the courts to use only the English language on all judicial forms and correspondence. The committee voted unanimously inexpedient to legislate as this would eliminate use of all Latin terms, even those that are commonly known, thus creating statutory problems. This bill would also prohibit translating forms into other languages. The suggestion was made, however, to the courts to create a glossary of Latin terms to assist the "pro se" litigant in particular. Vote 14-0.

HB 1518-FN, relative to in pro pria persona and pro se litigants. INEXPEDIENT TO LEGISLATE

Rep. Robert H. Rowe for Judiciary: This bill requires a court to provide a written explanation of a denial of any motion in any court where there is a pro se (representing oneself) party. The committee felt the bill will result in an extreme hardship to all courts especially the municipal and district courts which process great numbers of cases each day such as motor vehicle violations. The requirement for a written explanation on every motion will substantially reduce the number of cases that can be heard by a judge and increase court clerical costs. Vote 17-0.

HB 1523, relative to landlord-tenant obligations. OUGHT TO PASS WITH AMENDMENT

Rep. Phyllis L. Woods for Judiciary: This bill, as amended, would require a landlord to accept as rental payment by the tenant, a written promise to pay on behalf of the tenant by the state, a county or a municipality of this state, or payment from an organization which disburses federal or state funds. Vote 16-0.

Amendment (3310h)

Amend the bill by replacing all after the enacting clause with the following:

1 Entities Paying Rent on Behalf of a Tenant. Amend RSA 540:9-a to read as follows:

540:9-a Payment by Voucher and Application of Rents Paid by [~~the~~] ***a*** Municipality. Any rental payment or partial rental payment tendered by the tenant in the form of a written promise to

pay on behalf of the tenant by ***the state, a county or*** a municipality of this state, ***or a payment by any organization which disburses federal or state funds,*** and any application by [~~the~~] ***a*** municipality of amounts owed to it by a landlord pursuant to RSA 165:4-a, shall constitute payment by the tenant of the amount represented in the voucher, and of any amount applied by [~~the~~] ***a*** municipality to delinquent balances of the landlord; provided, that this section shall not be construed to obligate a landlord to accept partial rental payments or payments tendered after the expiration of the notice to quit.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill extends payments on behalf of tenants to include payments by voucher from the state, a county, or any organization that disburses state or federal funds.

HB 1126, relative to requiring certain employers to pay time-and-one-half wages for hours worked on Sundays. OUGHT TO PASS WITH AMENDMENT

Rep. Philip J. McColgan, Jr. for Labor, Industrial and Rehabilitative Services:

This bill as amended repeals the 1911 laws that prohibit the practice of offering finder's fees and signing bonuses for enlisting workers. This amendment, recommended by the Department of Labor, replaces the whole original bill, which required certain employers to pay time-and-a-half wages to employees who worked on Sunday. For a variety of reasons, the original bill was overwhelmingly rejected. The amendment was unanimously accepted. Vote 12-0.

Amendment (3193h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to repealing the prohibition on rewards for procuring employment.

Amend the bill by replacing all after the enacting clause with the following:

1 Repeal. RSA 275:6-9, relative to rewards for, offers of, and penalties for, procuring employment, are repealed.

2 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill repeals certain provisions relating to rewards for procuring employment.

HB 1124-L, relative to local building codes. OUGHT TO PASS

Rep. Robert W. Brundige for Municipal and County Government: This bill amends RSA 674:52 to provide that the adoption by reference of any provision of a nationally recognized building or fire code shall not be construed to restrict a municipality's authority relative to the appointment, removal or duties of municipal employees and the organization of municipal departments. Vote 14-0.

HB 1132-L, relative to exemptions and credits to property taxes when the property is sold. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have changed existing law to provide that property tax credits and exemptions would expire upon the filing of a real estate transfer with the registry of deeds. Currently property is assessed, and exemptions and credits calculated, as of April 1 of each year. Other than the sponsor, the testimony was unanimous in opposition to this bill. Among the concerns cited were a dramatic increase in paperwork, the need for other major changes in the law to accommodate this concept and the likelihood that enacting this would open the floodgates to similar proposals. If a change in the current tax calculation procedure is desired, it needs to be accomplished in a comprehensive, rather than piecemeal, fashion. Vote 14-0.

HB 1205-L, relative to tax exemption for noise pollution control facilities. INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Municipal and County Government: While the sponsor's objectives in introducing this bill are laudable the public hearing raised a considerable number of issues and concerns. There is no general statewide definition, or even generally accepted criteria to determine what is, noise pollution. Furthermore, the bill would apply to anything, which only "partly" is intended to or does in fact reduce noise pollution. This could include planting trees, installing insulation in walls, or even the mere erection of an enclosing structure. Finally, there was no way to determine the administrative costs of this legislation or the impact it would have on other local property tax payers. Vote 14-0.

HB 1214-L, relative to municipal permits for registration of motor vehicles. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government: This bill would amend RSA 261:148-a to allow any city or town to require that before any person having outstanding or unpaid license or permit fees must pay them before the vehicle registration is issued to such person by the town or city. Testimony indicated this procedure would be unwieldy and not practical. Vote 14-0.

HB 1219, relative to elected officials with corporate conflicts of interest. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: Local government in New Hampshire is dependent on residents who are willing to volunteer their time to serve as elected officials. Most of these positions are held by residents who also may or may not be a part of a "corporate entity". This bill would restrict those residents from transacting any business with the local political subdivision and the effect of this limitation would reduce the number of volunteers eligible to serve at the local level. Vote 14-0.

HB 1277-L, relative to payment by an applicant of outstanding costs on a withdrawn proposal submitted to a planning board. INEXPEDIENT TO LEGISLATE

Rep. Betsey L. Patten for Municipal and County Government: There are inherent costs to an applicant to request a subdivision or a site plan review before the Planning Board. Even if an application is withdrawn, costs are associated with any planning process, over and above any Planning Board administrative costs. The Planning Board may state in their subdivision regulations that all costs incurred, even if an application is withdrawn must be paid. This bill would have allowed the Planning Board to reject a subsequent application based on non-payment of cost

incurred for unrelated application. The Committee found this legislation unnecessary since the Planning Board already has this option when compiling their regulations. Vote 14-0.

HB 1389-L, relative to the Nute High School and library trustees. REFER FOR INTERIM STUDY

Rep. Betsey L. Patten for Municipal and County Government: The Nute family of Milford made a generous contribution in 1889 for the construction of the Nute High School and the formation of the Nute Trust Fund. The Session Law enacted that year granted the Trust Fund a tax exemption for up to $350,000 in assets. That cap has long since become obsolete. The sponsors, through HB1389 requested an increase of that tax-exemption cap from $350,000 to $3,000,000. A request for information about the status of other possible trust funds that have been established for the same purpose is still being researched. This bill needed to be reported out early in order for it to go to the Finance Committee to review any possible financial impacts on state revenues. The Committee was split on making a recommendation without the requested information. Consequently, the Committee unanimously voted to Refer to Interim Study knowing that there will be time to review this bill and the forthcoming information later this spring and act on it at that time. Vote 14-0.

HB 1413, relative to the rights of ownership of cemetery plots or burial spaces. OUGHT TO PASS

Rep. Priscilla P. Lockwood for Municipal and County Government: This bill clarifies the criteria for determining ownership of cemetery plots or burial spaces for purposes of probate of estates. It was the product of a statutory study committee in collaboration with the Attorney General and the Probate Court. Vote 14-0.

HB 1495-FN-L, requiring local political subdivisions to submit to annual audits by independent certified public accountants. INEXPEDIENT TO LEGISLATE

Rep. Paul A. McGuirk for Municipal and County Government: The fiscal note on HB 1495 states that 61% of municipalities and 15.6% of village districts undergo annual independent audits. Recent events in one municipality should cause officials in those subdivisions that do not do annual audits to review their local situations and hopefully initiate action to bring forward a proposal for voter consideration that would provide for annual independent audits. The Committee believes that this question lies with local officials and taxpayers and should remain so. Finally, this bill if enacted would result in an unfunded state mandate in violation of Article 28-a of the New Hampshire Constitution. Vote 14-0.

HB 1522-L, relative to posting warrants in languages other than English and in large-print format. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have allowed selectmen to post town meeting warrants, or portions of the warrant, in language(s) other than English and/or in large type format for the visually impaired. The Committee is satisfied that selectmen already have the authority to post warrants in either of these ways. Vote 13-0.

HB 1601-FN-L, relative to the procedure for the setting of tax rates by the commissioner of revenue administration. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill would have established a thirty day time limit for DRA to review the town reports that are statutorily required as part of the process for setting tax rates. Additionally, the bill would require the commissioner to seek an opinion of the Attorney General on any questions of law regarding a disallowed appropriation, as part of an oral hearing afforded to a municipality dissatisfied with the tax rate that has been set. The

Committee feels that such provisions are unnecessary, are potentially in conflict with other sections of statute and would only serve to seriously delay, and likely frustrate entirely in some situations, the setting of municipal tax rates. Vote 13-0.

HB 1143-FN, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway." OUGHT TO PASS

Rep. William E. Leber for Public Works and Highways: The committee supports naming this stretch of highway, Route 28 in the town of Wolfeboro, after the late state trooper Gary Parker, who was killed in the line of duty. The sponsor testified that the town of Wolfeboro supports the bill. The committee heard moving testimony from the widow that the trooper had grown up in the area. He often reflected, as they returned from assignment in other districts, that when he reached the Wolfeboro town line on Route 28, he was home. The New Hampshire Trooper's Association and family reportedly will cover the cost of the signs. The committee opposition was not a reflection on the memory of trooper Parker, but a concern that a policy and procedure should be developed to manage the proposals for naming highways and bridges. Some members of the committee indicated they will do so for the next term. Vote 12-7.

HB 1222, relative to outdoor advertising in an unzoned commercial or industrial area. INEXPEDIENT TO LEGISLATE

Rep. Candace W. Bouchard for Public Works and Highways: This bill concerning off premise signs, although well intended, would result, as testified by the Department of Transportation, in a violation of an agreement between the state and the federal government. The financial loss of this violation would be a ten percent reduction in New Hampshire's federal highway funds. Vote 13-0.

HB 1322, relative to the regulation of certain outdoor advertising devices. OUGHT TO PASS WITH AMENDMENT

Rep. Barbara L. Spear for Public Works and Highways: This bill as amended states that no advertising device which is not in conformance with state law shall be permitted to be re-erected if destroyed or abandoned. Advertising devices created adjacent to highways shall not exceed a height of 50 feet. Vote 19-0.

Amendment (3373h)

Amend RSA 236:74, V as inserted by section 2 of the bill by replacing it with the following:

V. HEIGHT. With respect to advertising devices located adjacent to any interstate, federal aid primary, or turnpike highway, no advertising device shall exceed a height of 50 feet from the base of the structure.

AMENDED ANALYSIS

This bill adds restrictions on the reconstruction of destroyed or abandoned advertising devices and on the height of devices to the regulation of outdoor advertising devices adjacent to interstate, federal aid primary, or turnpike highways.

HB 1341-FN, relative to direct access for certain types of development along highways. REFER FOR INTERIM STUDY

Rep. Robert A. Daigle for Public Works and Highways: The committee heard testimony from the Department of Transportation and the Transportation and Construction Bureau of the Attorney Generals Office. Both of these agencies felt that changes were necessary to the existing RSAs regarding access. They plan to prepare information necessary for legislation for the next session. This Interim Study motion will allow the committee to monitor the above effects. Vote 17-0.

HB 1553-FN-L, relative to the construction and renovation of covered bridges. INEXPEDIENT TO LEGISLATE

Rep. Richard F. Ahern for Public Works and Highways: This idea has a lot of merit and would encourage reconstruction of covered bridges in towns. The Department of Transportation testified that current law allows for this to happen now. The big change under this bill would provide up to 150% funding for covered bridges, but we only received testimony from the sponsor, and did not feel that there was broad enough support for this change. Vote 17-0.

HB 1121-FN, relative to admission to Wellington state park by residents of the town of Alexandria. INEXPEDIENT TO LEGISLATE

Rep. Michael W. Downing for Resources, Recreation and Development: The committee heard testimony that Wellington State Park has the only safe beach in the Town of Alexandria. After consultation between the sponsor, the Director of State Parks and the Town of Alexandria, an agreement was reached that satisfied everyone involved. The Town of Alexandria agreed to pay a fee for special use permits allowing residents to utilize the beach area. The sponsor agrees that this legislation is no longer necessary. Vote 14-0.

HB 1340-FN-L, relative to dam construction permits. INEXPEDIENT TO LEGISLATE

Rep. Judith T. Spang for Resources, Recreation and Development: This bill is intended to assure that when a dam fails, the owner will have the resources to compensate downstream property owners for resulting losses. Expert testimony revealed that the insurance industry will not have the ability to offer such insurance until actuarial studies are completed. The Department of Environmental Services will monitor this progress in this insurance industry research. Vote 16-0.

HB 1479-FN-L, relative to boat fees. INEXPEDIENT TO LEGISLATE

Rep. Michael D. Whalley for Resources, Recreation and Development: Although the committee was impressed with the sponsor's intention to develop a financial incentive through a discounted boat registration for clean burning engines, we felt that this discount in the registration was too insignificant to have any impact on a person's buying decision. However, federal regulations regarding the sale of marine engines require that all marine engines sold in the United States after 2007 must be "clean" engines. Between now and 2007 there will be an increased percentage of clean engines sold each year until the goal of 100% is met in 2007. Vote 16-0.

HB 1179, relative to final orders of the public utilities commission. OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for Science, Technology and Energy: This legislation clarifies an existing ambiguity. The language of the legislation has been agreed to by the Public Utilities Commission. The passage of this law guarantees that all parties to a PUC docket can know the PUC's decision on each issue of the docket, and the reasoning behind such decision(s) before that party must choose if it is to appeal such a decision. Vote 18-0.

Amendment (3173h)

Amend the bill by replacing section 1 with the following:

1 Public Utilities Commission; Appointment, Qualification, etc; Final Orders. Amend RSA 363:17-b to read as follows:

363:17-b Final Orders. The commission shall issue a final order on all matters presented to it. [~~Final orders of the commission~~] ***The transcript or minutes of oral deliberations shall not constitute a final order. A final order*** shall include, but not be limited to:

I. The identity of all parties;

II. The positions of each party on each issue;

III. A decision on each issue including the reasoning behind the decision; and

IV. The concurrence or dissent of each commissioner participating in the decision.

HB 1462, extending the report date of the committee to study methods to promote the use of renewable energy sources. OUGHT TO PASS WITH AMENDMENT

Rep. Gary R. Gilmore for Science, Technology and Energy: The bill extends the Renewable Energy Committee for two years and requires it to submit an interim report by Nov. 1, 2000, and a final report by Nov. 1, 2001. The bill also eliminates one duty of the committee and allows the Senate to appoint fewer members than House members. Vote 15-0.

Amendment (3307h)

Amend the title of the bill by replacing it with the following:

AN ACT extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources.

Amend the bill by replacing all after the enacting clause with the following:

1 Study Committee; Membership, Duties, Report Changed. Amend 1999, 47 to read as follows:

47:1 Committee Established. There is established a committee to study methods to promote the use of renewable energy sources.

47:2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Five members of the science, technology and energy committee of the house of representatives, appointed by the speaker of the house of representatives.

(b) [~~Five~~] ***Not less than 3 nor more than 5*** members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

47:3 Duties. The committee shall study methods to promote the use of renewable energy sources. The committee shall seek input from representatives of the renewable energy industry and interested state agencies. As part of its study, the committee shall examine:

I. The system benefits charge established pursuant to RSA 374-F:4 and similar charges levied by other states that promote renewable energy sources.

II. Programs and initiatives instituted by other states to promote renewable energy.

III. Implementation issues specific to deregulated markets.

[~~IV. Recommendations regarding the amount of the system benefits charge in light of program goals, market activity, and consumer concerns.~~]

47:4 Chairperson; Quorum. The first meeting of the committee shall be called by the first-named house member. The members shall elect a chairperson. The first meeting of the committee shall be held within 45 days of the effective date of this section. [~~Six~~] ***Five*** members of the committee shall constitute a quorum.

47:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library ***in an interim report*** on or before November 1, [~~1999~~] ***2000 and a final report on or before November 1, 2001***.

47:6 Effective Date. This act shall take effect 60 days after its passage.

2 Effective Date. This act shall take effect upon its passage.

AMENDED ANALYSIS

This bill extends the report date and modifies the membership and duties of the committee to study methods to promote the use of renewable energy sources.

HCR 20, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting. OUGHT TO PASS

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: The Health Care Financing Administration (HCFA), in accordance with the Balanced Budget Act of 1997 which must be in place by October 2000, will force home health care agencies to collect and report personal and medical information of patients. Patients who receive federal benefits must disclose personal information. Patients in home health care who do not collect federal benefits should not be required to disclose personal information without informed consent. This would be an intrusion of personal liberty, privacy and violation of their 4th Amendment rights. We were shown large amounts of personal health information and pages of questions asking the client for very minor medical screening which we felt were far reaching. Vote 12-0.

HCR 23, urging the United States Congress to allow greater state and local regulation of cable television services and greater choice for cable television subscribers. INEXPEDIENT TO LEGISLATE

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The committee felt that this bill is not necessary at this time. Cable company representatives made the committee aware that there are some ongoing changes which will provide better cable selections. The representatives also explained that when a cable company has several different outlets to buy from and, in turn, sell to the subscriber, different channels come with different packages, some of which cannot be grouped with other cable combinations. Vote 13-0.

HCR 24, relative to integration of people with disabilities. OUGHT TO PASS

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: Every citizen should have the right to live where he or she wants to live without discrimination. This right applies to people with disabilities. Incarceration of people with developmental disabilities was the solution in the Middle Ages. Every citizen should have the opportunity to contribute to a community by residing in the integrated setting most appropriate to their disability and receive support services in their homes and from their communities. Vote 12-0.

HB 1112, prohibiting the use of the far left lane on the interstate for anything other than passing. INEXPEDIENT TO LEGISLATE

Rep. Peter R. Cote for Transportation: The committee felt that RSAs 265:16, 265:18, 265:19 and 265:20 already adequately cover the sponsor's intent. The committee also felt that because of all the two lane interstate roads in New Hampshire, this bill would be impractical on these roads. Vote 17-0.

HB 1251, relative to driver education training reimbursement. OUGHT TO PASS WITH AMENDMENT

Rep. George A. LaPorte for Transportation: This bill tries to even the reimbursement to students who successfully complete an approved driver education course in New Hampshire. Presently, only students who complete this course in a public school are eligible for reimbursement. Even though money which comes from vanity and original licenses fees are paid by all and not used by all, any money left is returned to the general fund. Vote 15-0.

Amendment (3325h)

Amend the bill by replacing section 1 with the following:

1 Driver Training Reimbursement. Amend RSA 263:52, I to read as follows:

I. The proceeds from original license fees as provided in RSA 263:42 and $5 from every special fee for vanity number plates collected in accordance with RSA 261:89, plus such additional portion of the $25 special fee for vanity number plates or the renewal of the use of such plates as is needed to fully fund the driver training program for each fiscal year as determined by the general court pursuant to paragraph II, after costs of such plates or designation of effective periods thereof and issuance of same have been appropriated and deducted, shall be expended solely for courses of instruction and training in safe motor vehicle driving conducted in or under the supervision of ***approved*** secondary [~~schools~~] ***or private driver education courses***. After all costs of administration of the program each year of the biennium have been reserved, the balance which is

appropriated to the driver training program shall be paid to the state treasurer by June 30 of each year. Such balance shall be kept in a separate fund [~~which shall be paid out on or before September 15 of each year~~ ***~~directly~~*** ~~to participating schools prorated on a per pupil basis for those~~ ***~~pupils~~*** ~~who have completed the driver education program~~ ***~~to be used as a reimbursement to defray the cost of tuition~~***]. Subject to final approval by the governor and council, the commissioner of safety jointly with the commissioner of education shall adopt pursuant to RSA 541-A and publish rules governing the courses of instruction and training and determining eligibility of [~~secondary schools~~] ***students*** to receive moneys from the fund established by this section. ***Students who successfully complete driver education provided by public secondary schools shall receive either a $150 credit toward their tuition or a reimbursement of that amount from the public institution within 30 days of receiving its reimbursement from the department of safety. Students who successfully complete private driver education courses shall be reimbursed $150 directly from the fund.***

AMENDED ANALYSIS

This bill requires a portion of the fees collected for the driver training fund to be allocated directly to students who have successfully completed private driver education courses as reimbursement, or providing students successfully completing secondary school programs of instruction a credit toward, or reimbursement of, fees charged.

This bill is a request of the house study committee established by 1999, 297.

Referred to Finance.

HB 1265-FN, exempting snowmobiles used by OHRV clubs for trail grooming and other public services from the payment of OHRV registration fees. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: The amended version of this bill defines the state of antique snowmobiles and antique OHRV all terrain vehicles and antique trail bikes. This would allow a one-time registration fee of $36.00 for all valid New Hampshire driver license holders over 18 years of age. The sponsor of the bill endorses this changed endorsed by the Departments of Resources and Economic Development and Fish and Game. Vote 15-0.

Amendment (3220h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to registration of certain antique OHRVs.

Amend the bill by replacing all after the enacting clause with the following:

1 Definition of Antique Snow Traveling Vehicle. Amend RSA 215-A:1, I-a to read as follows:

I-a. "Antique snow traveling vehicle" means any snow traveling vehicle manufactured prior to the year 1969 or [~~20~~] ***25*** or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

2 New Paragraphs; Definitions; Antique All Terrain Vehicle; Antique Trail Bike. Amend RSA 215-A:1 by inserting after paragraph I-b the following new paragraphs:

I-c. "Antique all terrain vehicle" means any all terrain vehicle manufactured prior to the year 1969 or 25 or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

I-d. "Antique trail bike" means any trail bike manufactured prior to the year 1969 or 25 or more years old owned by a resident of the state. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

3 Registration; Antique Snow Traveling Vehicle. Amend RSA 215-A:21, IV-a to read as follows:

IV-a. Notwithstanding the provisions of RSA 215-A:21, IV, antique snow traveling vehicles may be registered by a one-time purchase of a permanent plate to be affixed permanently to the snow traveling vehicle. [~~This plate shall be non-transferable from one snow traveling vehicle to another or from one owner to another.~~] This registration shall be available at the fish and game headquarters only.

4 New Paragraphs; Registration; Antique All Terrain Vehicles; Antique Trail Bikes. Amend RSA 215-A:21 by inserting after paragraph IV-a the following new paragraphs:

IV-b. Antique all terrain vehicles may be registered by a one-time purchase of a permanent plate to be affixed permanently to the antique all terrain vehicle. This registration shall be available at the fish and game headquarters only.

IV-c. Antique trail bikes may be registered by a one-time purchase of a permanent plate to be affixed permanently to the antique trail bike. This registration shall be available at the fish and game headquarters only.

5 Registration Fees; Antique Snow Traveling Vehicles. Amend the introductory paragraph of RSA 215-A:23, II to read as follows:

II. Resident antique snow traveling vehicle permanent registration-$35 for each registration upon presentation of resident tax receipt ***or a valid New Hampshire driver's license issued to a person 18 years of age or older***. From each fee collected pursuant to this paragraph:

6 New Paragraphs; Registration Fees; Antique All Terrain Vehicles; Antique Trail Bikes. Amend RSA 215-A:23 by inserting after paragraph II the following new paragraphs:

II-a. Resident antique all terrain vehicle permanent registration-$35 for each registration upon presentation of resident tax receipt or a valid New Hampshire driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first $20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, $7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $7.50 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

II-b. Resident antique trail bike permanent registration-$35 for each registration upon presentation of resident tax receipt or a valid New Hampshire driver's license issued to a person 18 years of age or older. From each fee collected pursuant to this paragraph:

(a) The first $20 shall be appropriated to the department of resources and economic development for administration of the bureau's grant-in-aid program pursuant to paragraph VI.

(b) From the balance, $7.50 shall be appropriated to the department of resources and economic development for administration of the bureau for the purposes listed in paragraph VII, and $7.50 shall be appropriated to the department of fish and game for the purposes listed in paragraph VIII.

7 Effective Date. This act shall take effect July 1, 2000.

AMENDED ANALYSIS

This bill establishes registration requirements and fees for antique all terrain vehicles and antique trail bikes.

Referred to Finance.

HB 1268-FN, relative to certain vehicle registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert J. Letourneau for Transportation: This bill would require that persons claiming the exemption from the certificate of title for older motor vehicles provide proof of a previously issued certificate of registration or title, or out of state title, or validation of vehicle identification number (VIN) by the Department of Safety. Vote 17-0.

Amendment (3322h)

Amend the bill by replacing section 1 with the following:

1 New Section; Registration of Certain Title Exempted Vehicles. Amend RSA 261 by inserting after section 2 the following new section:

261:2-a Registration of Certain Title Exempted Vehicles. Notwithstanding the provisions of RSA 261:2 and RSA 261:148, no person shall register a motor vehicle exempted under RSA 261:3, I(k) in this state without first providing a previously issued New Hampshire certificate of registration, a valid out-of-state certificate of title, or a current New Hampshire vehicle identification number verification form as prescribed by the director. For the purposes of this section, a temporary registration issued pursuant to RSA 261:57 does not meet the requirement of a previously issued New Hampshire certificate of registration. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

HB 1269-FN, relative to the creation of a university system of New Hampshire license plate. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The idea of a special plate raising revenue for the University System on the surface appears to have merit. However, after listening to testimony from a University of New Hampshire faculty member, the committee learned that a total of four plates,

one for each university, would be requested for identity purposes. Looking at the relatively small number of plates sold in states with larger graduate populations, the committee felt that the state would not meet the cost of production for these special plates. Vote 17-0.

HB 1304, establishing a statutory committee to review and approve any motor vehicle license plate design. INEXPEDIENT TO LEGISLATE

Rep. George A. LaPorte for Transportation: The committee felt that with the new plates recently issued that this bill was not needed, as new plates would not be needed for at least ten years. The Director needs the discretion for public safety to display what is needed. Vote 16-0.

HB 1439-FN, relative to operation of a motor vehicle under a learner's permit. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would change the current law and allow 15 year olds to receive a learner's permit to drive an automobile. The subcommittee, along with the Departments of Safety and Health and Human Services, and Injury Prevention Group folks, found this to be an unacceptable provision. The trend has been toward longer driver experience with adult supervision. The committee received testimony during hearings that produced evidence that the older a driver, the more mature that driver is likely to be. The Transportation committee will be meeting as an Ad Hoc group during the summer to take up the under age 20 driver issue in an effort to make appropriate changes. This will take considerable time and effort. This Ad Hoc committee will look at what is successful and what is not. Motor Vehicles Director Beecher is very interested in this issue, and will take an active role and participation with this committee. The committee along with the sponsor agrees to make a recommendation to find this bill Inexpedient to Legislate. Vote 17-0.

HB 1458, relative to the wearing of motorcycle protective headgear. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill as introduced would require all motorcycle operators and passengers to wear protective headgear and would require drivers of motorcycles to receive training as to the benefits of protective headgear prior to receiving licensure. The premise for this is that motorcyclists are a burden to society for their care and subsistence. The committee heard no testimony nor saw any data to support this position. Testimony presented to the committee revealed motorcyclists that are admitted to trauma centers for treatment of crash related injuries were just as likely as other road trauma cases to be medically insured, and considerably better insured than non-road cases. Motorcyclists had the highest insurance payment rate of all groups, and a higher rate of self-payment than any other group. New Hampshire data supports that testimony. 1996 NH data showed that you are twenty five times more likely to receive a head injury in an auto crash than on a motorcycle. The second issue in this bill required "proof of receipt of headgear safety training". No such training currently exists anywhere, and there was no provision in this bill for funding of this training or who was to administer any such program. The committee held two hearings on this bill. Three hundred and twenty four people who attended the hearings were in opposition. Six were in support. Additionally, sixteen Representatives attended the hearings and were opposed to the legislation, and four were in favor. There were twenty speakers who voiced their opposition, and three were in support. The most common thread of testimony from those who testified in opposition was that motorcyclists have a vested interest in their own safety, and as responsible adults they were insured and very much aware what is in their best interest. Motorcyclists view this legislation as a government intrusion into their lives without justification. Vote 17-0.

HB 1513-FN, relative to a fine for a youth operating a motor vehicle without an adult present. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The committee appreciates the sponsor's intent and effort, however, the committee and subcommittee conducted lengthy discussions with representatives from the Departments of Health and Human Services and Safety, and the Injury Prevention group, concerning this subject matter. Motor Vehicles Director Beecher and the Transportation committee will be looking at a number of proposals concerning drivers under the age of 20 years old with an Ad Hoc committee during the summer months. The committee recognizes the sponsor's intent and will consider such when new proposals are discussed. Vote 17-0.

HB 1613, exempting police officers on bicycles from certain motor vehicle laws and rules. OUGHT TO PASS WITH AMENDMENT

Rep. George N. Katsakiores for Transportation: Peace officers (police officers) wearing a distinctive uniform, operating a bicycle during the course of his or her duties shall not be subject to all the rules of the road if his or her operation of a bicycle is in response to an emergency call, while engaged in a rescue operation, or in pursuit of an actual or suspected violator of the law. This bill does not relieve a peace officer from operating a bicycle with due regard for the safety of all persons using the public way. Vote 17-0.

Amendment (3363h)

Amend RSA 265:143, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) This paragraph shall not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the public way.

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 60 days after its passage.

REGULAR CALENDAR

HB 1459, requiring the state police to record and update information relative to the charge of non-support. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Laura C. Pantelakos for the Majority of Children and Family Law: This bill requires the state police to record and update information daily relative to civil non-support warrants in addition to its correct practice of recording criminal non-support warrants. Vote 10-4.

Rep. Thomas I. Arnold, Jr. for the Minority of Children and Family Law: The minority did not object to the contents of the bill but, rather, to a glaring omission which will work an injustice on the innocent if not corrected. The bill adds civil complaints for nonpayment of child support to the state police computer on a daily basis. There is no provision to protect, or make whole, those who are arrested even though they are current in their payments. This applies equally to those who made payments to the state which the state did not correctly apply and credit the payor.

Amendment (3361h)

Amend the title of the bill by replacing it with the following:

AN ACT requiring the state police to record and update information relative to the charges of criminal and civil non-support.

Amend RSA 106-B:14, III as inserted by section 1 of the bill by replacing it with the following:

III. The division of state police shall record and update on its computer system on a daily basis the names of all persons for whom there is either an outstanding arrest warrant or a capias pending for criminal or civil non-support. The director shall submit an annual report to the general court relative to felony and misdemeanor non-support as well as civil non-support based on the records and information acquired pursuant to RSA 106-B:14, I. The report shall be a compilation of the number of persons charged with criminal or civil non-support, the number of apprehensions made on the charges of criminal or civil non-support, and any other information the director deems relevant.

AMENDED ANALYSIS

This bill provides that the state police shall record and update on its computer system any arrest warrant or capias issued by a superior court for criminal or civil non-support and shall submit a report of such information to the general court.

Adopted.

Rep. Arnold spoke against.

Rep. Dowling spoke in favor.

On a division vote, 179 members having voted in the affirmative and 109 in the negative, the report was adopted.

Referred to Finance.

HB 1358, prohibiting smoking in restaurants. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Joseph D. Kenney for the Majority of Commerce: This bill prohibits all smoking in any restaurant where serving food is the primary function. The majority of the committee felt the present indoor smoking act is what is best for New Hampshire. The indoor smoking act allows for the location of no-smoking and smoking-permitted areas in restaurants, and requires smoking areas not to cause harm or unreasonably intrude into the areas occupied by persons who are not smoking. There is a requirement for a physical barrier such as a wall at least 56 inches in height to separate no-smoking areas from a smoking-permitted area. Additionally, existing ventilation systems in restaurants, where reasonably possible, should be located near smoking areas. Since New Hampshire law forbids bars from not serving food, any attempt to allow smoking in bars only would require a change in our liquor laws, and a long standing public policy that bars must serve food in New Hampshire. Vote 10-5.

Rep. Martha Fuller Clark for the Minority of Commerce: The strong vote against inexpedient to legislate reflects the position of those committee members who believe that smoking in restaurants, where serving food is the primary function should be prohibited. Currently four other states prohibit smoking in places of public employment due to the documented risks of second hand smoke. They are Maine, Vermont, Utah and California. All of these states have some form of exemptions. These states have not seen a negative impact on the overall room and meals tax. They have, however, seen an increase in the number of licenses for bars, taverns, lounges and cabarets that are exempt from the ban. Some of these states also provide through legislation a requirement that "no one as part of his or her work responsibilities shall be required to work in an area where smoking is permitted." In New Hampshire we define in statute cocktail lounges as a portion or area of a restaurant, hotel, motel, convention center or resort which is used primarily to serve liquor or other alcoholic beverages. This bill offers a reasonable compromise by exempting cocktail lounges from banning smoking. However, these lounges would now be required to be in an enclosed place to protect others from second hand smoke as much as possible. Currently the state regulates restaurants with regard to health and safety. Banning smoking would simply be an appropriate extension of such regulations since death from smoking and exposure to second hand smoke has been deemed a public health issue of primary importance. Environmental tobacco smoke constitutes the third leading cause of preventable death in the United States. This bill seeks to protect both restaurant workers and patrons in New Hampshire from involuntary exposure to second hand smoke and should be passed.

Reps. Pantelakos, Vaillancourt and Keye spoke against.

Reps. Francoeur, Kennedy and Avery spoke in favor.

Rep. Fuller Clark spoke against and yielded to questions.

Rep. Hunt spoke in favor and yielded to questions.

Reps. Chandler and Fuller Clark requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 219 NAYS 110

YEAS 219

BELKNAP

Boyce, Robert	Czech, Stanley	Johnson, James	Millham, Alida
Salatiello, Thomas	Thomas, John	Turner, Robert	Wendelboe, Francine

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald	Sullivan, P Judith	

CHESHIRE

Avery, Stephen	DePecol, Benjamin	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Meader, David	Pratt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Landers, Dana
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Tholl, John Jr
Woodward, David			

GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Hall, David	Hinman, Harry
Marshall, Gene	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr
Christiansen, Lars	Clegg, Robert Jr	Clemons, Jane	Cote, Peter
Coughlin, Pamela	Craig, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Drabinowicz, A Theresa
Durham, Susan	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth
Goley, Jeffrey	Goulet, Maurice	Herman, Keith	Hunter, Bruce
Jean, Claudette	Jean, Loren	Johnson, Lionel	Kurk, Neal
LaRose, Richard	Leonard, Peter	Lessard, Rudy	MacGillivray, Jeffrey
Martel, Andre	McCarty, Winston	McGough, Tim	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra

Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Wall, Nancy	White, Donald

MERRIMACK

Anderson, Eric	Davis, Francis	Feuerstein, Martin	Hess, David
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Nichols, Avis	Soltani, Tony	Virtue, Carolyn	Wallin, Jean
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Johnson, Robert	Katsakiores, George	Kelley, William	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Mikowlski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD

Berube, Roger	Bickford, David	Brown, Julie	Domingo, Baldwin
Estabrook, Iris	Gilmore, Gary	Knowles, William	Lundborn, Raymond
Musler, George	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis	Woods, Phyllis		

SULLIVAN

Burling, Peter	Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr
Jones, Constance	Leone, Richard	Robb-Theroux, Amy	

NAYS 110

BELKNAP

Boriso, Thomas	Holbrook, Robert	Pilliod, James	Wood, Jane

CARROLL

Torressen, Gary

CHESHIRE

Batchelder, Robert	Burnham, Daniel	Manning, Joseph	Mitchell, McKim
Richardson, Barbara	Riley, William	Robertson, Timothy	Russell, Ronald
Zerba, Roger			

COOS

Glines, Sara	Rodrigue, Robert		

GRAFTON

Almy, Susan	Copenhaver, Marion	Guest, Robert	Johnson, Gary
Nordgren, Sharon	Solow, Martha		

HILLSBOROUGH

Arthur, Rose	Bergeron, Lucien	Buckley, Raymond	Burkush, James
Carlson, Donald	Cote, David	Dokmo, Cynthia	Dwyer, Paul Sr
Ford, Nancy	Garrish, Linda	Gorman, Mary	Haettenschwiller, Alphonse
Hall, Betty	Hansen, Herbert	Keye, Harvey	Konys, Christine
L'Heureux, Robert	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Leishman, Peter	Lynde, Harold	McCarthy, William	McDonald, James Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Reidy, Frank

Vaillancourt, Steve	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
French, Barbara	Gile, Mary	Langer, Ray	Lavoie, Gerard
Moore, Carol	Owen, Derek	Potter, Frances	Reardon, Tara
Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Clark, Martha	Dearborn, Bruce
Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane
Langone, John	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Rubin, George	Ruffner, Walter	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Weatherspoon, Jackie		

STRAFFORD

Brennan, William	Brown, George	Callaghan, Frank	Cossette, Larry
DeChane, Marlene	Dunlap, Patricia	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair	Spang, Judith
Wall, Janet			

SULLIVAN

Allison, David	Phinizy, James	Tuthill, John	Wiggins, Celestine

and the majority report was adopted.

Reps. Lozeau and Rollo declared conflicts of interest and did not participate.

HB 1577-FN, revising the indoor smoking act. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill revives the indoor smoking act. Under this bill, smoking is prohibited in restaurants. The bill also authorizes the commissioner of health and human services to levy administrative fines on persons in charge of places of public access and publicly owned buildings and offices who repeatedly violate the indoor smoking act law. The first portion of this bill addressed banning smoking in restaurants, which was also addressed in HB 1358. The committee felt the second part to this bill, to place administrative fines on persons in charge of public

buildings who allow illegal smoking, would be difficult to enforce and place a difficult administrative burden onto health and human services. Vote 13-2.

Adopted.

Rep. Rollo declared a conflict of interest and did not participate.

HB 1579-FN, establishing a penalty for a third violation of the youth tobacco laws. OUGHT TO PASS WITH AMENDMENT

Rep. Joseph D. Kenney for Commerce: This bill as amended provides that sellers of tobacco products who are found guilty of selling to minors for a third time shall have their licenses to sell suspended or revoked. Additionally, for the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. For any violation beyond the fifth, the commission shall revoke any license. The committee felt that putting the focus on the sellers would elevate the importance of this issue of not selling tobacco products to minors. This bill now duplicates the liquor laws and rules for sellers who sell to minors the fourth and fifth time. The bill further clarifies the definition of "effectively segregated" to mean all of the conditions in the indoor smoking act paragraph of RSA 155:65, V need to be met for compliance. Vote 15-0.

Amendment (3367h)

Amend the title of the bill by replacing it with the following:

AN ACT establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

Amend the bill by replacing all after the enacting clause with the following:

1 Penalties. RSA 126-K:4, I is repealed and reenacted to read as follows:

II. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed $250 for the first offense and $500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commission shall revoke any license.

2 Penalties. RSA 126-K:5, III is repealed and reenacted to read as follows:

III. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed $250 for the first offense and $500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In addition, the sampler's license shall be suspended for a period of 10

consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commission shall revoke any license.

3 Penalties. RSA 126-K:8, IV is repealed and reenacted to read as follows:

IV. Violations of this section shall be civil infractions punishable by administrative action of the commission against the licensee. The fines for violations of this section shall not exceed $250 for the first offense and $500 for the second offense. For the third offense, the commission shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In addition, the license to sell tobacco products of the manufacturer, wholesaler, subjobber, vending machine operator, or retailer where the offense occurred shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commission shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commission shall revoke any license.

4 Penalties; Vending Machines. RSA 78:12-d, VII is repealed and reenacted to read as follows:

VII. Violations of this section shall be civil infractions punishable by administrative action by the commissioner against the licensee. Fines for violations of paragraphs I-V shall be no more than $100 for a first offense and no more than $200 for a second offense. For the third offense, the commissioner shall issue a letter of warning detailing necessary corrective actions and an administrative fine ranging from $500 to $1,500. In addition, the license to sell tobacco products shall be suspended for a period of 10 consecutive days and not exceeding 30 consecutive days. For the fourth offense, the commissioner shall issue either an administrative fine and a suspension of a minimum of 10 consecutive days not to exceed 40 consecutive days, or a suspension. The administrative fine shall range from $750 to $3,000 while any suspension without a fine shall be 40 consecutive days. For any violation beyond the fifth, the commissioner shall revoke any license.

5 Definition Clarified; Effectively Segregated. Amend the introductory paragraph of RSA 155:65, V to read as follows:

V. "Effectively segregated" means ***all*** the following conditions have been met:

6 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2001.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill provides that sellers of tobacco products who are found guilty of selling to minors for third and subsequent times shall have their licenses to sell suspended or revoked.

This bill also clarifies the definition of "effectively segregated" for the purposes of the indoor smoking act.

Adopted.

Report adopted and ordered to third reading.

HB 1608-FN-L, relative to minors and smoking. INEXPEDIENT TO LEGISLATE

Rep. Joseph D. Kenney for Commerce: This bill changes the penalty for possession and use of tobacco products by minors to include a warning for the first offense. The committee heard testimony from the Dover Police Department chief indicating that the current law has been effective and that passing this new law would create an additional administrative workload for law enforcement. The present law fines a minor $100 for each tobacco violation or requires up to 20 hours of community service for each offense. This bill would exclude the $100 fine for the first offense and require a copy of a written warning be sent to the minor's parent or guardian. The problem with this bill is that there is no system of tracking those written warnings as first offenses. Vote 13-2.

Rep. Pantelakos spoke against.

Rep. Kenney spoke in favor and yielded to questions.

Rep. Pantelakos requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 242 NAYS 89

YEAS 242

BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Avery, Stephen	Burnham, Daniel	Hunt, John	Lerandeau, Alfred

Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		

COOS

Gallus, John	Glines, Sara	Guay, Lawrence	Horton, Lynn
Mears, Edgar	Merrill, Gerald	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Dudley, Terri	Gilman, G Michael	Hinman, Harry	Marshall, Gene
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Ward, Brien			

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Batula, Peter	Beaupre, Roland	Belvin, William
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Goley, Jeffrey	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Hunter, Bruce	Jean, Claudette	Jean, Loren
Keye, Harvey	Kurk, Neal	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Leishman, Peter	Leonard, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary Ellen
McCarthy, William	McCarty, Winston	McDonald, James Sr	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Milligan, Robert	Moran, Edward	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert

Sarette, John	Sargent, Maxwell	Tate, Joan	Thulander, O Alan
Wall, Nancy	White, Donald		

MERRIMACK

Anderson, Eric	Brewster, Richard	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Hess, David	Jacobson, Alf	Langer, Ray
Larrabee, David Sr	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Nichols, Avis	Reardon, Tara
Soltani, Tony	Whalley, Michael	Whittemore, James	

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Vivian	Cooney, Richard
Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowlski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Reardon, Neil	Rubin, George	Ruffner, Walter	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			

STRAFFORD

Berube, Roger	Callaghan, Frank	Cossette, Larry	Domingo, Baldwin
Heon, Richard	Johnson, Nancy	Knowles, William	Lundborn, Raymond
Musler, George	Rollo, Michael	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Wall, Janet

Woods, Phyllis

SULLIVAN

Burling, Peter	Flint, Gordon Sr	Jones, Constance	Leone, Richard
Robb-Theroux, Amy			

NAYS 89

BELKNAP

None

CARROLL

Bradley, Jeb

CHESHIRE

DePecol, Benjamin	Doucette, Richard	Lynch, Margaret	Mitchell, McKim
Pratt, John	Richardson, Barbara	Robertson, Timothy	Russell, Ronald

COOS

Landers, Dana	Pratt, Leighton	Rodrigue, Robert

GRAFTON

Copenhaver, Marion	Guest, Robert	Hall, David	Johnson, Gary
Solow, Martha			

HILLSBOROUGH

Baroody, Benjamin	Bergeron, Lucien	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Dwyer, Paul Sr
Garrish, Linda	Ginsburg, Ruth	Gorman, Mary	Hall, Betty
Johnson, Lionel	Konys, Christine	Lasky, Bette	Lefebvre, Roland
Lynde, Harold	McDonough-Wallace, Alice	Reidy, Frank	Simon, Anthony
Vaillancourt, Steve	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Chase, George	French, Barbara	Gile, Mary
Kennedy, Richard	Lavoie, Gerard	Moore, Carol	Owen, Derek
Potter, Frances	Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles

ROCKINGHAM

Blanchard, MaryAnn	Clark, Martha	Dowling, Patricia	Kane, Cecelia
Kelley, Jane	Lovejoy, Marian	Norelli, Terie	Pantelakos, Laura
Sabella, Norma	Shultis, Elizabeth	Splaine, James	Weatherspoon, Jackie

STRAFFORD

Bickford, David	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Rogers, Rose Marie	Vincent, Francis	

SULLIVAN

Allison, David	Cloutier, John	Donovan, Thomas Jr	Phinizy, James
Tuthill, John	Wiggins, Celestine		

and the report was adopted.

HB 1391, relative to personal appearance by law enforcement officers at administrative license suspension hearings. OUGHT TO PASS

Rep. Everett A. Weare for Criminal Justice and Public Safety: Presently, the non-appearance of the law enforcement officer at a Administrative License Suspension hearing invariability grants the right to operate to the individual thereby negating the purpose of the hearing. The requirement to have the law enforcement officer present at the request of the individual at the hearing is placing a financial and operational burden on many of the small law enforcement agencies throughout the state. The changes in this bill will allow the hearing to be conducted upon the review of the law enforcement officer's report or sworn affidavit. Should the individual desire the officer to be present he may do so by subpoenaing him at his or her cost or have a deposition taken prior to the hearing. Vote 10-4.

Rep. Welch moved Re-commit to committee and spoke in favor.

Adopted.

HB 1208, relative to the appointment of non-certified employees within a school administrative unit. INEXPEDIENT TO LEGISLATE

Rep. Clair A. Snyder for Education: This bill was submitted at the request of a constituent who subsequently could not garner any support. The prime sponsor also felt, without constituent support, this bill was unnecessary. There are currently administrative rules for hiring non-certified personnel through alternative processes to get them certified. Vote 13-2.

Adopted.

SPECIAL ORDER

HB 1499, relative to credit for American sign language and transliteration as a foreign language. INEXPEDIENT TO LEGISLATE

Rep. Warren Henderson for Education: The committee heard compelling testimony about the special challenges faced by members of the deaf and hard of hearing community. When all the facts had been presented, however, it was evident that this issue needs more examination before such a bill is passed. The committee is currently considering formation of a commission for the deaf and hard of hearing, which could take up this issue. Among the concerns expressed by the committee were: 1) American Sign Language (ASL) as the only language for the deaf and hard of hearing may not be justified. 2) Categorizing American Sign Language as a "foreign" language did not seem appropriate. The Department of Education testified that the intent of this bill could be accomplished without legislation. They indicated that this chapter of administrative rules was undergoing major revision. They pointed out that no other specific language is mentioned in statute as mandated to meet the foreign language requirement and "foreign language" will be changed to "world language". Vote 13-2.

Rep. Gilman spoke against.

Rep. Henderson spoke in favor.

Rep. Gilman requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 233 NAYS 94

YEAS 233

BELKNAP

Boriso, Thomas	Czech, Stanley	Holbrook, Robert	Millham, Alida
Pilliod, James	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Doucette, Richard
Hunt, John	Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph
McGuirk, Paul	Meader, David	Mitchell, McKim	Richardson, Barbara
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

COOS

Guay, Lawrence	Horton, Lynn	Mears, Edgar	Merrill, Gerald
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

GRAFTON

Akins, Ralph	Alger, John	Copenhaver, Marion	Dudley, Terri
Guest, Robert	Johnson, Gary	Marshall, Gene	Phinney, William
Scanlan, David	Solow, Martha		

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald
Clemons, Jane	Coughlin, Pamela	Daigle, Robert	Dalianis, Griffin
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Emerton, Lawrence	Fenton, James	Fields, Dennis
Fletcher, Richard	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Ginsburg, Ruth	Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse
Hansen, Herbert	Herman, Keith	Jean, Claudette	Jean, Loren
Johnson, Lionel	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre

McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Reidy, Frank	Rowe, Robert	Sarette, John
Sargent, Maxwell	Thulander, O Alan	Vaillancourt, Steve	Wall, Nancy
White, Donald			

MERRIMACK

Anderson, Eric	Bouchard, Candace	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Gile, Mary	Hager, Elizabeth	Hess, David
Jacobson, Alf	Langer, Ray	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Moore, Carol	Nichols, Avis	Reardon, Tara	Rosenfield, Jay
Seldin, Gloria	St Cyr, Gerard	Wallin, Jean	Whalley, Michael
Whittemore, James	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Case, Margaret	Cooney, Richard	Cox, Russell	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Flanagan, Natalie
Flanders, David	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowlski, Walter	Morse, Charles	Norelli, Terie	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Raynowska, Bernard
Reardon, Neil	Rubin, George	Ruffner, Walter	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Vaughn, Charles	Weare, Everett
Welch, David	Whittier, John	Zolla, William	

STRAFFORD

Berube, Roger	Bickford, David	Brennan, William	Callaghan, Frank
Cossette, Larry	Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris
Gilmore, Gary	Grassie, Anne	Kaen, Naida	Keans, Sandra
Lent, Donald	Lundborn, Raymond	Musler, George	Pelletier, Arthur
Snyder, Clair	Spear, Barbara	Vincent, Francis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Robb-Theroux, Amy
Wiggins, Celestine			

NAYS 94

BELKNAP

Boyce, Robert	Johnson, James	Wood, Jane

CARROLL

Dickinson, Howard	Sullivan, P Judith	Torressen, Gary

CHESHIRE

DePecol, Benjamin	Lynch, Margaret	Pratt, John	Robertson, Timothy

COOS

Gallus, John	Glines, Sara	Landers, Dana	Pratt, Leighton

GRAFTON

Almy, Susan	Cobb, John	Eaton, Stephanie	Gilman, G Michael
Hall, David	Hinman, Harry	Picconi, Al	Ward, Brien

HILLSBOROUGH

Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Christiansen, Lars	Clegg, Robert Jr	Cote, David

Cote, Peter	Craig, James	Daniels, Gary	Dwyer, Paul Sr
Garrish, Linda	Goley, Jeffrey	Hall, Betty	Hunter, Bruce
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Lefebvre, Roland	Leonard, Peter	Lynde, Harold	Martin, Mary Ellen
McCarthy, William	McDonald, James Sr	O'Connell, Timothy	Simon, Anthony
Tate, Joan	White, John	Williams, Carol	

MERRIMACK

Brewster, Richard	Chase, George	French, Barbara	Kennedy, Richard
Potter, Frances	Soltani, Tony	Virtue, Carolyn	

ROCKINGHAM

Blanchard, MaryAnn	Bridle, Russell	Clark, Martha	Clark, Vivian
Dalrymple, Janeen	Grant, Kenneth	Kane, Cecelia	Kelley, Jane
Lovejoy, Marian	Moore, Benjamin	Nowe, Mary Lou	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall	Sabella, Norma
Sapareto, Frank	Splaine, James	Varrell, Thomas	Weatherspoon, Jackie
Weyler, Kenneth			

STRAFFORD

Brown, George	Brown, Julie	DeChane, Marlene	Heon, Richard
Johnson, Nancy	Knowles, William	Rogers, Rose Marie	Rollo, Michael
Taylor, Kathleen	Twardus, Joseph	Woods, Phyllis	

SULLIVAN

Phinizy, James	Tuthill, John

and the report was adopted.

regular calendar (cont'd.)

HB 1464, relative to the licensing process for new health care facility construction. OUGHT TO PASS

Rep. Peter L. Batula for Health, Human Services and Elderly Affairs: Everyone agrees that healthcare costs are increasing and that medical care and payment reform requires closer scrutiny. Under current law, the Health Services Planning & Review Board, a.k.a. "Certificate of Need Board", is mandated to review any medical facilities where the "construction" costs exceed $1.1 million (a.k.a. threshold figure) or when medical equipment costs exceed a separate threshold figure of $400,000. It is the majority opinion of the subcommittee and the full Health and Human Services Committee that the C.O.N. Board seemingly has ignored statute and has, through rules, not statute, imposed an arbitrary threshold of $750,000, above which a complete application would be required for review. These factors guided this proposed bill to clarify the law. Another board abuse is the inclusion of land in the "construction" threshold…whether it is a freestanding building or part of an existing building. This bill simplifies and clarifies current law and was supported in a non-partisan majority vote. Vote 12-5.

Reps. Copenhaver and Millham spoke against.

Reps. Emerton and Wendelboe spoke in favor and yielded to questions.

Rep. Manning spoke against and yielded to questions.

Rep. Ruffner spoke in favor.

Rep. Emerton requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 203 NAYS 118

YEAS 203

BELKNAP

Boyce, Robert	Czech, Stanley	Johnson, James	Lawton, David
Pilliod, James	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			

CARROLL

Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith	Torressen, Gary	

CHESHIRE

Avery, Stephen	Hunt, John	Lynott, Margaret	Meader, David
Riley, William	Roberts, William	Rose, William	Royce, H Charles

Russell, Ronald	Smith, Edwin	Zerba, Roger	

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Pratt, Leighton
Tholl, John Jr	Woodward, David		

GRAFTON

Akins, Ralph	Alger, John	Eaton, Stephanie	Gilman, G Michael
Hall, David	Hinman, Harry	Marshall, Gene	Picconi, Al
Scanlan, David	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Arnold, Thomas Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon Jr	Carlson, Donald	Clegg, Robert Jr	Clemons, Jane
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence	Fields, Dennis
Gagnon, Eugene	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Hunter, Bruce	Jean, Loren	Johnson, Lionel
Kurk, Neal	L'Heureux, Robert	LaPorte, George	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarthy, William	McCarty, Winston
McGough, Tim	Mendenhall, Leslie	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sarette, John	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, Donald			

MERRIMACK

Anderson, Eric	Brewster, Richard	Daneault, Gabriel	Davis, Francis
Feuerstein, Martin	Hess, David	Jacobson, Alf	Kennedy, Richard
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla

Marple, Richard	Marshall, Kenneth	Moore, Carol	Nichols, Avis
Reardon, Tara	Soltani, Tony	Virtue, Carolyn	Wallin, Jean
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Case, Margaret
Clark, Martha	Clark, Vivian	Cooney, Richard	Cox, Russell
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gleason, John	Grant, Kenneth
Hamel, Albert	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, William	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Mikowlski, Walter	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Putnam, Ed II	Quandt, Marshall
Raynowska, Bernard	Rubin, George	Ruffner, Walter	Sapareto, Frank
Shultis, Elizabeth	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Bickford, David	Cossette, Larry	Domingo, Baldwin	Estabrook, Iris
Gilmore, Gary	Heon, Richard	Knowles, William	Spear, Barbara
Woods, Phyllis			

SULLIVAN

Donovan, Thomas Jr	Flint, Gordon Sr	Leone, Richard	Robb-Theroux, Amy
Wiggins, Celestine			

NAYS 118

BELKNAP

Boriso, Thomas	Holbrook, Robert	Millham, Alida	Wood, Jane

CARROLL

Bradley, Jeb

CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Manning, Joseph	McGuirk, Paul
Mitchell, McKim	Richardson, Barbara	Robertson, Timothy	

COOS

Glines, Sara	Landers, Dana	Mears, Edgar	Rodrigue, Robert

GRAFTON

Almy, Susan	Cobb, John	Copenhaver, Marion	Guest, Robert
Johnson, Gary	Nordgren, Sharon	Phinney, William	Solow, Martha

HILLSBOROUGH

Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Cote, David
Cote, Peter	Craig, James	Daigle, Robert	Desmarais, Vivian
Desrosiers, William	Drabinowicz, A Theresa	Fenton, James	Fletcher, Richard
Ford, Nancy	Foster, Linda	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Jean, Claudette	Keye, Harvey
Konys, Christine	Lasky, Bette	Leonard, Peter	Lynde, Harold
Martin, Mary Ellen	McDonald, James Sr	McDonough-Wallace, Alice	Melcher, Harold
Murphy, Robert	Pepino, Leo	Reidy, Frank	Simon, Anthony
White, John	Williams, Carol		

MERRIMACK

Bouchard, Candace	Chase, George	French, Barbara	Gile, Mary
Hager, Elizabeth	Langer, Ray	Potter, Frances	Rosenfield, Jay

Seldin, Gloria	St Cyr, Gerard	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Blanchard, MaryAnn	Gibbons, Paul	Griffin, Mary
Henderson, Warren	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Pitts, Jacqueline	Reardon, Neil	Schanda, Frank	Shelton, Richard
Splaine, James	Weatherspoon, Jackie		

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia	Grassie, Anne
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	Vincent, Francis
Wall, Janet			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Jones, Constance
Phinizy, James	Tuthill, John		

and the report was adopted.

Ordered to third reading.

RECESS

(Speaker Sytek in the Chair)

(Clerk's Note)

When less than two-thirds of the elected membership is present, Part II, Article 20 of the state constitution requires the assent of two-thirds of those present and voting to render their acts and proceedings valid.

senate message

requests concurrence with amendment

HB 553-FN-A, establishing a commission on the status of men. (Amendment printed SJ 2/10/00)

Rep. Mercer moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sapareto, Zolla, Boyce and Burkush.

Adopted by the necessary two-thirds.

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 375 and 1381 and Senate Bills 147 and 178.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee

regular calendar (cont'd.)

HB 1607, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services OUGHT TO PASS

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill would establish a study committee to consider legislation, which would require New Hampshire to reduce to zero the number of mentally retarded or developmentally disabled individuals who are not receiving Medicaid services for which they are eligible. The committee would also consider the minimum timeframe and costs required to accomplish this reduction in a fiscally responsible manner. Vote 12-5.

Adopted and ordered to third reading by the necessary two-thirds.

HB 1507, establishing a committee to investigate allegations against supreme court justice Thayer regarding unreported and underreported income. REFER FOR INTERIM STUDY

Rep. Loren J. Jean for Judiciary: The committee finds that since the courts Judicial Conduct Committee has the Justice Thayer matter presently before it, and since the courts Judicial Conduct proceedings concerning Justice Thayer are being undertaken in secret, the most prudent position for the legislature to take on this question at this time is to wait for the conclusion of ongoing Judicial Conduct proceedings before voting on the merits of making an independent inquiry. The legislature will be better able to judge by waiting for the outcome of the JCC proceedings on whether or not further inquiry into the Justice Thayer matter ought to be initiated by the general court. Vote 14-3.

Adopted by the necessary two-thirds.

HB 1123-FN-L, relative to local planning and zoning enforcement procedures. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government: This bill was introduced to require that trial courts enjoin transfers of lots in unapproved subdivisions and award costs and fees to the municipality when such transfers of lots occur. Current law provides that injunctions and the award of costs and fees may be ordered at the discretion of the court. Some opponents of the bill were concerned that our courts already favor municipalities. Others expressed the fear that by "upping the ante" in this way, municipalities actually might face a more difficult fight when they attempt to enforce their ordinances. The Committee feels that the current statute provides adequate remedies for both municipalities and the public. Vote 12-2.

Adopted by the necessary two-thirds.

(Clerk's note)

The Constitutionally required two-thirds of the membership was declared present.

regular calendar (cont'd.)

HB 1576-FN-A, abolishing ramp tolls along state highways and increasing the gasoline tax. INEXPEDIENT TO LEGISLATE

Rep. Bernard J. Raynowska for Public Works and Highways: The committee has worked with this issue before and understands the problems created, as well as the strong feeling from the Merrimack citizens. We also understand that removing the tolls on July 1, 2000, and increasing the gas tax by two cents a gallon within sixty days would create great problems. Toll issues have been troublesome for many citizens for a long period of time. Someone has been listening and progress is being made. The Commissioner of Transportation received approval from the Governor and Council for funding a study to remove the tolls. The study will start soon, and the full report will be completed by the end of August 2000. Removing tolls without having any idea of changes to traffic patterns could be very disruptive. We now have something in place and are proceeding. The Department of Transportation proposal would affect an orderly and systematic removal of the tolls. The DOT proposal has the Merrimack tolls at exits 10, 11 and 12 as its first order of business. Vote 11-4.

On a division vote, 215 members having voted in the affirmative and 34 in the negative, the report was adopted.

HB 1101, establishing a Pillsbury state park advisory commission. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. David M. Lawton for the Majority of Resources, Recreation and Development: HB 1101 seeks to impose a state park advisory commission on the operation of Pillsbury State Park. The majority of the committee believes that this proposal is an unnecessary government intrusion into the park's operations which are currently under the watchful eyes of the "Friends of Pillsbury State Park, Inc." The "Friends" group is a charitable non-profit organization made up of approximately 50 volunteers who have forged a strong connection with the division of parks and recreation in the cooperative management of the park including many educational and informational programs. Given that this extremely active and dedicated volunteer group is already in place, enacting this bill would be duplication of efforts which could fatally fracture the "Friends" group and destroy a relationship that is already working well. Vote 10-6.

Rep. MaryAnn N. Blanchard for the Minority of Resources, Recreation and Development: The Minority of Resources, Recreation and Development believes that the purpose of a Pillsbury State Park Advisory Commission is to ensure that a formal relationship exists between representatives of the local governing bodies (Goshen and Washington Selectmen) and the Department of Parks. This would provide valuable communication when changes are proposed for this 2,300 acre property in both towns. Yes, there is an active Friends group. Their primary focus however, is educational and the concerns that towns have are different: Impacts on services plus abutting property owners.

Rep. Phinizy spoke against and yielded to questions.

Rep. Royce spoke in favor and yielded to questions.

Rep. Chandler requested a roll call; sufficiently seconded.

The question being the adoption of the majority report.

YEAS 176 NAYS 143

YEAS 176

BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Pilliod, James	Thomas, John
Turner, Robert	Wendelboe, Francine		

CARROLL

Chandler, Gene	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
Mock, Henry	Patten, Betsey	Sullivan, P Judith	Torressen, Gary

CHESHIRE

Avery, Stephen	Hunt, John	Lerandeau, Alfred	Manning, Joseph
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Pratt, Leighton	Rodrigue, Robert	Tholl, John Jr	Woodward, David

GRAFTON

Akins, Ralph	Alger, John	Dudley, Terri	Eaton, Stephanie

Hinman, Harry	Marshall, Gene	Phinney, William	Picconi, Al
Scanlan, David	Ward, Brien		

HILLSBOROUGH

Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Calawa, Leon Jr	Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr
Craig, James	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence
Fenton, James	Fletcher, Richard	Ford, Nancy	Gagnon, Eugene
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	McCarty, Winston	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mercer, Robert
Milligan, Robert	Moran, Edward	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy

MERRIMACK

Anderson, Eric	Davis, Francis	Feuerstein, Martin	Kennedy, Richard
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Whalley, Michael			

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Clark, Vivian	Cooney, Richard	Cox, Russell
Dowling, Patricia	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Johnson, Robert	Katsakiores, George	Kelley, William

Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowlski, Walter	Moore, Benjamin
Morse, Charles	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Putnam, Ed II	Raynowska, Bernard
Reardon, Neil	Ruffner, Walter	Stickney, Nancy	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Weare, Everett	Welch, David
Whittier, John	Zolla, William		

STRAFFORD

Bickford, David	Callaghan, Frank	Cossette, Larry	Dunlap, Patricia
Musler, George	Rollo, Michael	Spear, Barbara	Vincent, Francis
Woods, Phyllis			

SULLIVAN

None

NAYS 143

BELKNAP

Millham, Alida	Wood, Jane

CARROLL

Babson, David Jr	Bradley, Jeb	Dickinson, Howard	Philbrick, Donald

CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lynch, Margaret	Lynott, Margaret	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	

COOS

Glines, Sara	Landers, Dana	Mears, Edgar

GRAFTON

Almy, Susan	Cobb, John	Copenhaver, Marion	Gilman, G Michael
Guest, Robert	Hall, David	Johnson, Gary	Nordgren, Sharon
Solow, Martha			

HILLSBOROUGH

Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bruno, Pierre
Buckley, Raymond	Burkush, James	Cote, David	Cote, Peter
Daigle, Robert	Drabinowicz, A Theresa	Dwyer, Paul Sr	Fields, Dennis
Foster, Linda	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Jean, Claudette	Keye, Harvey	Konys, Christine
LaPorte, George	Lasky, Bette	Leonard, Peter	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	Mendenhall, Leslie	O'Connell, Timothy
Pepino, Leo	Reidy, Frank	Simon, Anthony	Vaillancourt, Steve
White, Donald	White, John	Williams, Carol	

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
French, Barbara	Gile, Mary	Jacobson, Alf	Moore, Carol
Potter, Frances	Poulin, Dave	Reardon, Tara	Rosenfield, Jay
Seldin, Gloria	Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Yeaton, Charles		

ROCKINGHAM

Abbott, Dennis	Clark, Martha	Dearborn, Bruce	DiFruscia, Anthony
Downing, Michael	Hutchinson, Rebecca	Kane, Cecelia	Katsakiores, Phyllis
Kelley, Jane	Langone, John	Norelli, Terie	Pantelakos, Laura
Pitts, Jacqueline	Quandt, Marshall	Rubin, George	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie
Weyler, Kenneth			

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Pelletier, Arthur	Rogers, Rose Marie
Snyder, Clair	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Wall, Janet			

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

and the majority report was adopted.

laid on the table

Rep. Guay moved that ***HB 1375,*** establishing financial assurance for guaranteed promise of customer repayment of rate reduction bonds, be laid on the table.

Adopted.

regular calendar (cont'd.)

HB 1213, establishing a commission to develop a pilot program for displaced veterans. INEXPEDIENT TO LEGISLATE

Rep. Dennis H. Fields for State-Federal Relations and Veterans Affairs: The committee has the deepest regard and respect for the sponsors of this bill. However, the committee feels that there are several veterans programs and services already in place such as Outreach, the Veterans Home and the Veterans Hospital. In addition, there are local veterans groups, which provide programs and services to those veterans who wish to participate. Vote 11-1.

Adopted.

HB 1454, relative to restrictions of persons possessing any fish and game license. OUGHT TO PASS WITH AMENDMENT

Rep. Rose Marie Rogers for Wildlife and Marine Resources: This bill remedies restrictions on the ability of Fish and Game to hire and compensate deputy officers. The bill will allow more flexibility in donated hours and allow retired Conservation Officers over the age of 55 to participate. Vote 10-6.

Amendment (3274h)

Amend the title of the bill by replacing it with the following:

AN ACT relative to deputy conservation officers in the fish and game department.

Amend the bill by replacing all after the enacting clause with the following:

1 Deputy Conservation Officer; Qualifications; Age. Amend RSA 206:27-b, IV to read as follows:

IV. [~~Between the ages of~~] ***At least*** 21 years [~~and 55 years~~] of age[~~; provided, however, retired personnel of the department of fish and game are exempted from the provisions of this paragraph~~];

2 Deputy Conservation Officer; Compensation; Volunteer Service. Amend RSA 206:27-h to read as follows:

206:27-h Compensation. All deputy conservation officers shall be compensated for their services while actively engaged in the performance of their official duties at rates as fixed by the executive director; provided, however, all deputy conservation officers shall serve 8 hours per month without compensation. ***This section shall not prohibit a deputy conservation officer from volunteering more hours than the 8 hours per month without compensation.***

3 Effective Date. This act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill changes the age requirements for service as a deputy conservation officer in the fish and game department, and allows for additional volunteer service by deputy conservation officers.

Adopted.

Report adopted and ordered to third reading.

HB 1456, requiring creditors to consider the postmarked date of a credit card installment payment as the date of payment. INEXPEDIENT TO LEGISLATE

Rep. Sheila T. Francoeur for Commerce: This bill would apply only to the one bank in New Hampshire that is a credit card issuer. On a typical day that bank processes approximately 300,000 credit card payments. The committee felt that this bill would place an undue burden on this institution by requiring retention of envelopes used for payments, while having no effect on credit card issuers located in other states. The committee also heard testimony that the postmark could be falsified by using a postage machine. Vote 12-0.

Rep. Jacobson spoke against.

Rep. Francoeur spoke in favor and yielded to questions.

Rep. Francoeur requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 184 NAYS 133

YEAS 184

BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Lawton, David	Pilliod, James	Thomas, John	Turner, Robert

CARROLL

Bradley, Jeb	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Mock, Henry	Patten, Betsey	Philbrick, Donald
Torressen, Gary			

CHESHIRE

Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meader, David	Roberts, William	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger

COOS

Gallus, John	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Rodrigue, Robert	Tholl, John Jr	Woodward, David	

GRAFTON

Almy, Susan	Eaton, Stephanie	Hall, David	Marshall, Gene
Scanlan, David	Solow, Martha	Ward, Brien	

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Andrews, Frederick	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Cote, Peter
Daigle, Robert	Daniels, Gary	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence

Fletcher, Richard	Ford, Nancy	Foster, Linda	Gagnon, Eugene
Garrish, Linda	Goulet, Maurice	Haettenschwiller, Alphonse	Herman, Keith
Jean, Claudette	Jean, Loren	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey
McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold
Mendenhall, Leslie	Mercer, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Thulander, O Alan
Wall, Nancy			

MERRIMACK

Anderson, Eric	Davis, Francis	Feuerstein, Martin	Hess, David
Langer, Ray	Larrabee, David Sr	Lavoie, Gerard	Leber, William
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Nichols, Avis
Reardon, Tara	Rosenfield, Jay	Whalley, Michael	

ROCKINGHAM

Arndt, Janet	Belanger, Ronald	Bridle, Russell	Case, Margaret
Christie, Andrew Jr	Clark, Martha	Clark, Vivian	Cooney, Richard
Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony	Downing, Michael
Fesh, Robert	Flanders, David	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George	Katsakiores, Phyllis
Kelley, William	Kobel, Rudolph	Langley, Jane	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Putnam, Ed II	Raynowska, Bernard	Rubin, George	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William

STRAFFORD

Bickford, David	Brennan, William	Brown, George	Brown, Julie

Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Johnson, Nancy	Kaen, Naida	Musler, George
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Wall, Janet
Woods, Phyllis			

SULLIVAN

Allison, David	Burling, Peter	Leone, Richard	Robb-Theroux, Amy

NAYS 133

BELKNAP

Johnson, James	Millham, Alida	Wendelboe, Francine	Wood, Jane

CARROLL

Babson, David Jr	Dickinson, Howard	Sullivan, P Judith

CHESHIRE

Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Lynch, Margaret
Lynott, Margaret	Mitchell, McKim	Richardson, Barbara	Riley, William
Robertson, Timothy			

COOS

Glines, Sara	Landers, Dana	Mears, Edgar	Pratt, Leighton

GRAFTON

Akins, Ralph	Alger, John	Cobb, John	Copenhaver, Marion
Dudley, Terri	Gilman, G Michael	Guest, Robert	Hinman, Harry
Johnson, Gary	Nordgren, Sharon	Phinney, William	Picconi, Al

HILLSBOROUGH

Arnold, Thomas Jr	Arthur, Rose	Baroody, Benjamin	Bruno, Pierre
Buckley, Raymond	Burkush, James	Cote, David	Craig, James
Dalianis, Griffin	Desmarais, Vivian	Fenton, James	Fields, Dennis

Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hansen, Herbert
Hunter, Bruce	Johnson, Lionel	LaPorte, George	Leonard, Peter
Lynde, Harold	Martin, Mary Ellen	McCarthy, William	McDonald, James Sr
Milligan, Robert	Murphy, Robert	O'Connell, Timothy	Pepino, Leo
Reidy, Frank	Simon, Anthony	Tate, Joan	Turgeon, Roland
Vaillancourt, Steve	White, Donald	White, John	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Chase, George	Daneault, Gabriel
French, Barbara	Gile, Mary	Jacobson, Alf	Kennedy, Richard
Moore, Carol	Potter, Frances	Poulin, Dave	Seldin, Gloria
Soltani, Tony	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Yeaton, Charles			

ROCKINGHAM

Abbott, Dennis	Bishop, Franklin	Dowling, Patricia	Flanagan, Natalie
Grant, Kenneth	Hutchinson, Karen	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langone, John	Letourneau, Robert	Mikowlski, Walter
Moore, Benjamin	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Quandt, Marshall	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Varrell, Thomas	Vaughn, Charles	Weatherspoon, Jackie

STRAFFORD

Berube, Roger	Domingo, Baldwin	Gilmore, Gary	Heon, Richard
Keans, Sandra	Knowles, William	Lent, Donald	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Snyder, Clair	Vachon, Dennis
Vincent, Francis			

SULLIVAN

Cloutier, John	Donovan, Thomas Jr	Flint, Gordon Sr	Jones, Constance
Phinizy, James	Tuthill, John	Wiggins, Celestine	

and the report was adopted.

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss. OUGHT TO PASS WITH AMENDMENT

Rep. Daniel M. Burnham for Health, Human Services and Elderly Affairs: This bill would create a task force to assist New Hampshire's community of deaf and hard of hearing, and establish a non-profit interpreter referral and resource center. The Department of Education and Health and Human Services have agreed to provide significant help to make the center a model location for interpreter referrals, job placement, peer counseling and advocacy services. Vote 14-0.

Amendment (3320h)

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Findings. The general court finds that there is an urgent need for a statewide interpreter referral and resource center dedicated to people who are deaf or who have a hearing loss. Moreover, the general court finds that:

I. Improved interpreter referral services would benefit the business community, educational institutions, health care providers, law enforcement and court systems, state agencies, the general court, and others who require such services to effectively communicate with deaf persons and persons who are hard of hearing.

II. An information and referral service operated by and for persons who are deaf and hard of hearing would promote access of such persons to the community based health care, educational, employment, and social services that are available to all citizens.

III. Development of peer counseling, job placement, and advocacy services would enhance the ability of individuals who are deaf or hard of hearing to contribute to their communities.

2 Task Force Established; Membership; Terms.

I. There is hereby established the New Hampshire task force on deafness and hearing loss. The task force shall consist of the following members:

(a) One member of the house of representatives who shall be from the health, human services, and elderly affairs committee, appointed by the speaker of the house.

(b) One member of the senate who shall be from the public institutions, health, and human services committee, appointed by the president of the senate.

(c) One member from the governor's commission on disabilities, appointed by the governor.

(d) Two representatives of the department of health and human services, appointed by the commissioner.

(e) One representative of the department of employment security, appointed by the commissioner.

(f) Two representatives of the department of education, appointed by the commissioner.

(g) One representative of the administrative office of the courts, appointed by the chief justice of the New Hampshire superior court.

(h) The president of the New Hampshire Association of the Deaf, or designee.

(i) One representatives of the New Hampshire Association of the Deaf, appointed by the president of the New Hampshire Association of the Deaf, or designee.

(j) The president of Self Help for the Hard of Hearing, or designee.

(k) One representative from Self Help for the Hard of Hearing, appointed by the president of Self Help for the Hard of Hearing, or designee.

(l) One representative of the New Hampshire Registry of Interpreters for the Deaf, appointed by the president of the New Hampshire Registry of Interpreters for the Deaf, or designee.

II. The task force members shall serve without compensation, except that legislative members of the task force shall receive mileage at the legislative rate when attending to the duties of the task force.

3 Organization; Meetings.

I. The task force shall be convened by the named member of the house of representatives, and shall hold its first meeting no later than 30 days after the effective date of this act. The task force shall meet in the facilities of the department of health and human services.

II. The task force shall meet with sufficient frequency to complete its duties, including recommendations for proposed legislation, within 4 months of the effective date of this act.

III. The department of education and health and human services shall provide administrative support, in equal measure, for the task force, including interpreter services for task force meetings.

4 Duties. The task force shall:

I. Review the structure of interpreter referral services in other states.

II. Identify the public agencies within New Hampshire that need interpreter referral services.

III. Identify potential funding sources, including user fees, public/private partnerships, and grant opportunities available from the departments of education and health and human services, that could be accessed to support an interpreter referral and resource center in New Hampshire.

IV. Facilitate the development of a private, not for profit organization to provide information, interpreter referral, and other related services.

V. Determine whether the department of education or the department of health and human services is the most appropriate agency for any requests for proposals which may be needed, and select such agency to be responsible for this process.

5 Report. The task force shall submit a report of its findings and actions, including proposals for legislation to the governor and council, the speaker of the house, the president of the senate, the chairperson of the house committee on health, human services, and elderly affairs, and the chairperson of the senate committee on public institutions, health, and human services no later than 4 months from the effective date of this act.

6 Effective Date. This act shall take effect upon its passage.

Adopted.

Report adopted and ordered to third reading.

HB 1487-FN-L, reducing the interest rate on delinquent property tax payments and subsequent tax payments. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. Rice for Municipal and County Government: Testimony that multiple rates of interest would produce many problems for tax collectors and that the present rates seem to be a good compromise between public and private concerns persuaded the committee to ITL this bill. Vote 12-1.

Rep. Vaillancourt spoke against.

Rep. Hess spoke in favor.

On a division vote, 253 members having voted in the affirmative and 64 in the negative, the report was adopted.

HB 1433, relative to notice to abutters by the department of transportation of proposed construction projects. INEXPEDIENT TO LEGISLATE

Rep. John R. Cloutier for Public Works and Highways: This bill provides that the Commissioner of the Department of Transportation shall identify abutters to a proposed construction project, and provide them with notice and an opportunity to be heard prior to the initiation of such construction project. The bill also provides that prehearing notice be afforded to an owner of property abutting a construction project which may result in the loss of any portion of the owner's property, and requires the department to make restitution to such owner. The Transportation Commissioner testified in opposition to the bill. He said passage of the bill would unduly hamper his department's highway work because, among other items, the bill's use of the word "construction" is too vague and not well defined. Could the bill apply even to drainage and shoulder repairs for example? The Commissioner admitted a few problems with the department's notifying just the described abutters in the past, but that present law works well overall for the abutters, and that such problems can be resolved through its administrative procedures instead. Vote 13-0.

Rep. Alger spoke against.

Adopted.

HB 1103, relative to the number of motor vehicle dealer plates. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill would require that a motor vehicle dealer be given three dealer plates whether the dealer wanted them or not. During the 1997-98 legislative session the House Transportation committee rewrote the dealer plate law. One of the changes to those laws was not to "automatically" issue the dealers three plates. However, upon request and need dealers may receive as many plates as they may need. Vote 17-0.

Reps. Batchelder, Christiansen and Robertson spoke against.

Reps. Letourneau and Packard spoke in favor.

Adopted.

HB 1230, abolishing the requirement that purchasers of new motor vehicles must surrender the certificate of origin to the department of motor vehicles. INEXPEDIENT TO LEGISLATE

Rep. Gordon E. Bartlett for Transportation: The certificate of origin is a piece of paper that a dealer receives from the manufacturer, in essence, a certificate of ownership to the dealer. When the dealer sells that vehicle to a customer, the certificate of origin is turned over to the Department of Safety, along with a purchase title application. This is the start of the titling process. If the customer paid for the vehicle, the customer will receive a New Hampshire title. If the vehicle is financed, the title will go to the lien holder until the vehicle is paid for. Vote 17-0.

Rep. Marple spoke against.

Rep. Packard spoke in favor.

Rep. Marple requested a roll call; not sufficiently seconded.

Adopted.

HB 1266-FN, relative to classification of and standards for custom vehicles manufactured during or after 1949, and establishing special plates for such vehicles. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: The committee recognizes the sponsors' good intentions in drafting this legislation. The committee researched this issue with the Department of Safety,. and the results of this research concludes that this bill as written would allow any vehicle to be exempt from inspection requirements by not meeting the current criteria. This would create a new class of vehicle and would require a major overhaul of current statutes. Vote 15-0.

Rep. Francis Davis spoke to the bill.

Adopted.

SUSPENSION OF RULES

Reps. Chandler and Burling move that the Rules be so far suspended as to permit consideration at the present time, without the proper notice, of ***HCR 32,*** urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve.

Adopted by the necessary two-thirds.

consideration of hcr 32

HCR 32, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve. OUGHT TO PASS

Rep. Margaret E. Lynott for State-Federal Relations and Veterans Affairs: New Hampshire is experiencing a shortage of heating fuel and the demand is at its' highest at this time of year. In most cases, the price has tripled over last year's. There are many working families and senior citizens that do not qualify for federal fuel assistance. The federal government has stockpiled additional petroleum in anticipation of Y2K-related shortfalls. Releasing some of this reserve would help to alleviate the supply problems in New Hampshire and hopefully bring relief to New Hampshire's families and businesses by bringing the price of fuel down. Vote 10-3.

Rep. Soltani spoke against.

Reps. Tufts and George Brown spoke in favor.

Rep. George Brown requested a roll call; sufficiently seconded.

The question being the adoption of the report.

YEAS 219 NAYS 95

YEAS 219

BELKNAP

Boriso, Thomas	Lawton, David	Millham, Alida	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	

CARROLL

Babson, David Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald			

CHESHIRE

Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Hunt, John
Lerandeau, Alfred	Lynott, Margaret	Manning, Joseph	Mitchell, McKim

Richardson, Barbara	Riley, William	Roberts, William	Royce, H Charles
Russell, Ronald	Zerba, Roger		

COOS

Gallus, John	Glines, Sara	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Tholl, John Jr			

GRAFTON

Akins, Ralph	Alger, John	Copenhaver, Marion	Dudley, Terri
Eaton, Stephanie	Guest, Robert	Hinman, Harry	Nordgren, Sharon
Phinney, William	Picconi, Al	Scanlan, David	Ward, Brien

HILLSBOROUGH

Ahern, Richard	Alukonis, David	Arnold, Thomas Jr	Arthur, Rose
Batula, Peter	Bergin, Peter	Brundige, Robert	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Cote, David	Cote, Peter
Daigle, Robert	Dalianis, Griffin	Desmarais, Vivian	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Fletcher, Richard
Foster, Linda	Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Herman, Keith
Jean, Claudette	Konys, Christine	L'Heureux, Robert	Lasky, Bette
Leonard, Peter	Lozeau, Donnalee	Lynde, Harold	McCarthy, William
McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie
Mercer, Robert	Milligan, Robert	Mosher, William	Nolan-Piteri, Dawn
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Reeves, Sandra
Reidy, Frank	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	White, Donald	Williams, Carol

MERRIMACK

Bouchard, Candace	Brewster, Richard	Daneault, Gabriel	Davis, Francis

Feuerstein, Martin	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Jacobson, Alf	Langer, Ray	Leber, William
Marshall, Kenneth	Moore, Carol	Potter, Frances	Reardon, Tara
Rosenfield, Jay	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Whalley, Michael	Whittemore, James	Yeaton, Charles

ROCKINGHAM

Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Case, Margaret	Clark, Martha
Cooney, Richard	Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia
Downing, Michael	Flanagan, Natalie	Flanders, David	Gleason, John
Griffin, Mary	Hamel, Albert	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane
Langley, Jane	Letourneau, Robert	Mikowlski, Walter	Morse, Charles
Norelli, Terie	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline	Reardon, Neil
Rubin, George	Sabella, Norma	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, D Donald
Tufts, J. Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Zolla, William			

STRAFFORD

Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Heon, Richard	Johnson, Nancy	Knowles, William
Lent, Donald	Musler, George	Rogers, Rose Marie	Rollo, Michael
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet

SULLIVAN

Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	Phinizy, James
Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine	

NAYS 95

BELKNAP

Boyce, Robert	Czech, Stanley	Holbrook, Robert	Johnson, James
Pilliod, James			

CARROLL

Kenney, Joseph	Sullivan, P Judith	Torressen, Gary

CHESHIRE

DePecol, Benjamin	Lynch, Margaret	Meader, David	Robertson, Timothy
Rose, William	Smith, Edwin		

COOS

Woodward, David

GRAFTON

Almy, Susan	Cobb, John	Gilman, G Michael	Hall, David
Johnson, Gary	Marshall, Gene	Solow, Martha	

HILLSBOROUGH

Andrews, Frederick	Beaupre, Roland	Belvin, William	Bruno, Pierre
Carlson, Donald	Christiansen, Lars	Clegg, Robert Jr	Craig, James
Daniels, Gary	Ford, Nancy	Goulet, Maurice	Hansen, Herbert
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Keye, Harvey
Kurk, Neal	LaRose, Richard	Leishman, Peter	MacGillivray, Jeffrey
Martin, Mary Ellen	McCarty, Winston	Moran, Edward	Murphy, Robert
O'Connell, Timothy	Rowe, Robert	Turgeon, Roland	Vaillancourt, Steve
Wall, Nancy			

MERRIMACK

Anderson, Eric	Chase, George	Kennedy, Richard	Larrabee, David Sr
Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard	Nichols, Avis
Poulin, Dave	Soltani, Tony		

ROCKINGHAM

Christie, Andrew Jr	Clark, Vivian	Cox, Russell	Fesh, Robert
Francoeur, Sheila	Gibbons, Paul	Grant, Kenneth	Henderson, Warren
Hutchinson, Karen	Kelley, William	Kobel, Rudolph	Langone, John
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Moore, Benjamin
Nowe, Mary Lou	Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard
Ruffner, Walter	Sapareto, Frank	Stickney, Nancy	Vaughn, Charles
Weatherspoon, Jackie	Weyler, Kenneth	Whittier, John	

STRAFFORD

Cossette, Larry	Gilmore, Gary	Kaen, Naida	Keans, Sandra
Pelletier, Arthur	Pelletier, Marsha	Woods, Phyllis	

SULLIVAN

None

and the report was adopted.

Ordered to third reading.

Rep. Murphy voted Nay and intended to vote Yea.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, February 24, 2000 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 1134, establishing a committee to study mental health care treatment under managed care plans.

HB 1318, establishing a committee to study the instability of kerosene, gasoline, diesel fuel, and home heating fuel prices.

HB 1374, extending the reporting date for the sex offender issues study committee.

HB 1283, establishing a commission on the education of the deaf and hard of hearing in New Hampshire.

HB 1362-L, relative to the reconsideration of cost apportionment within a cooperative school district.

HB 1114-FN, relative to creditable service in the retirement system for teachers in a job-sharing position.

HB 1583, increasing the education requirement for estheticians and manicurists and relative to the board of barbering, cosmetology, and esthetics.

HB 1592, relative to the display of the United States flag.

HB 1110, establishing a committee to study landlord-tenant issues.

HB 1168, establishing a committee to study the merits of limiting the use of social security numbers as identifiers.

HB 1523, relative to landlord-tenant obligations.

HB 1126, relative to repealing the prohibition on rewards for procuring employment.

HB 1124-L, relative to local building codes.

HB 1413, relative to the rights of ownership of cemetery plots or burial spaces.

HB 1143-FN, relative to renaming New Hampshire route 28 in the town of Wolfeboro as the "Gary Parker Memorial Highway."

HB 1322, relative to the regulation of certain outdoor advertising devices.

HB 1179, relative to final orders of the public utilities commission.

HB 1462, extending the report date and changing the membership and duties of the committee to study methods to promote the use of renewable energy sources.

HCR 20, urging Congress to stop the collection of certain kinds of information from patients in a home health care setting.

HCR 24, relative to integration of people with disabilities.

HB 1268-FN, relative to certain vehicle registrations.

HB 1613, exempting police officers on bicycles from certain motor vehicle laws and rules.

HB 1579-FN, establishing certain penalties for violations of the youth tobacco laws and clarifying a definition under the indoor smoking act.

HB 1464, relative to the licensing process for new health care facility construction.

HB 1607, establishing a study committee to consider legislation reducing to zero the number of mentally retarded or developmentally disabled individuals in the state who are not receiving or have not received medicaid services.

HB 1454, relative to deputy conservation officers in the fish and game department.

HB 1602-FN, establishing the New Hampshire task force on deafness and hearing loss.

HCR 32, urging the President and the Secretary of Energy to release certain amounts of petroleum from the nation's petroleum reserve.

unanimous consent

Rep. Thomas moved that the remarks made by Rep. Jacobson be printed in the Journal.

Adopted.

Rep. Jacobson: Thank you, Madam Speaker. This Saturday marks the 55th Anniversary of the Battle of Iwo Jima. Last summer I attended the 50th reunion of the survivors of Iwo Jima. They are becoming a smaller and smaller group. They all have gray hair, many of them have bald heads and some of them are paunchy. However, their spirit is strong. What they did was to honor and to give affection for those who lost their lives on Iwo Jima 55 years ago. Admiral Nemitz said at the close of the battle of Iwo Jima, "Uncommon valor was common virtue." At the 5th division cemetery, the chaplain said, "These Marines have left us but they live within us." They live within me. I'm compelled by affection for them and the honor due them to remember them in this way. They gave their lives and the smallest thing I can do is to come up here and to give those brave Marines their honor and their due for they helped preserve the liberty and freedom that we all enjoy. I was among the lucky ones because I spent 35 days there and came away still without a scratch. I must confess that my commanding officer, the late General Antonelli, said to me, "Jacobson, the only thing you did on this island was get fat." I gained five pounds eating sea rations. I don't know how many more times I'm going to do this. I don't know whether I will run again, yet. Furthermore, I've been targeted. But, it has the opposite effect on me because it stimulates my gung ho Marine spirit to get in there and fight. Thank you.

Rep. Loren Jean moved that the remarks made by Speaker Sytek be printed in the Journal.

Adopted.

Speaker Sytek: I want to give my thanks to Rep. Jacobson, as well, for reminding us every year that we are privileged to serve with people like you and other members of this House who are members of the greatest generation. We serve shoulder-to-shoulder with genuine heroes and we are proud to serve with you.

RECESS MOTION

Rep. Chandler moved that the House stand in recess for the purpose of introduction of bills, receiving Senate messages, enrolled bill amendments and enrolled bill reports, only.

Adopted.

The House recessed at 3:35 p.m.

RECESS

(Rep. Christie in the Chair)

enrolled bill amendment

HB 251, relative to official ballot procedures.

Amendment (3455-EBA)

Amend RSA 40:13, VII as inserted by section 5 of the bill by replacing line 8 with the following:

RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30 through 32; and votes on zoning

Amend RSA 40:14, XI(c) as inserted by section 7 of the bill by replacing line 4 with the following:

first and second Saturdays after the last Monday in _____, inclusive?"

Adopted.

RECESS

(Rep. Loren Jean in the Chair)

RESOLUTION

Rep. Francoeur offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution numbered 33, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HCR

First, second reading and referral

HCR 33, establishing a joint New Hampshire-Vermont legislative cooperative effort regarding the Connecticut river. (Burling, Sull 1; Avery, Ches 8; Nordgren, Graf. 10; Disnard, Dist 8: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. David Cote in the Chair)

Rep. Burnham offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1618, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1618, relative to requiring legislative approval for mergers, acquisitions, or restructuring of certain electric utility corporations. (Gilmore, Straf 11; D. White, Hills 25; Phinizy, Sull 7; Howard, Carr 10; Below, Dist 5; F. King, Dist 1: Science, Technology and Energy)

RECESS

bills signed by the governor

(Chap. 1) ***SB 86,*** relative to enforcement of the collection and payment of county taxes by the county treasurer. (eff. 7/1/00)

(Chap. 2) ***SB 162,*** authorizing licensure and regulatory oversight of voluntary small employer health insurance purchasing alliances. (eff. Sec 3 as in sec. 4; remainder 1/1/01)

(Chap. 3) ***SB 176-FN-A,*** establishing a committee to study certain assistive technology services provided statewide. (eff. 2/2/00)

(Chap. 4) ***SB 29-L,*** relative to the proper sheltering of dogs. (eff. 2/4/00)

(Chap. 5) ***HB 448,*** relative to the board of dental examiners and the regulation of dentists and dental hygienists. (eff. 7/1/00)

(Chap. 6) ***HB 1105,*** ratifying article 9 of the 1999 Seabrook annual town meeting and the 1999 Epping annual town meeting. (eff. 2/11/00)

(Chap. 7) ***HJR 6,*** encouraging the revitalization of the northern rail corridor from Concord to Lebanon and recognizing its interim recreational uses. (app. 2/16/00)

(Chap. 8) ***HB 422,*** relative to advertising by rent-to-own businesses. (eff. 1/1/01)

(Chap. 9) ***SB 89-L,*** relative to library trustees. (eff. 4/16/00)

(Chap. 10) ***SB 222-FN-A-L,*** relative to guarantee of loans to local development organizations. (eff. 7/1/00)

(Chap. 11) ***SB 36-FN-A,*** relative to salary increases for direct care providers for persons with developmental and acquired disabilities. (eff. 7/1/00)

(Chap. 12) ***HB 375,*** relative to substitutions for disqualified and deceased candidates. (eff. 4/18/00)

(Chap. 13) ***HB 1381,*** relative to the dissolution of the Pawtuckaway cooperative high school district. (eff. 2/18/00)

(Chap. 14) ***SB 147,*** relative to self-referrals for chiropractic care under managed care organizations. (eff. 4/18/00)

(Chap. 15) ***SB 178-FN-A,*** relative to appropriations to the port authority for dredging projects. (eff. 2/18/00)